

1 IN THE CIRCUIT COURT OF THE STATE OF OREGON
 2 FOR THE COUNTY OF MULTNOMAH

3
 4
 5 JOANN WILLIAMS-BRANCH,)
 Personal Representative for)
 6 the Estate of Jessie D.)
 WILLIAMS, deceased,)
 7)
 Plaintiff,)
 8)
 v.) No. 9705-03957
 9)
 PHILIP MORRIS, INC., PHILIP)
 10 MORRIS COMPANIES, INC., and)
 FRED MEYER, INC.,)
 11)
 Defendants.)

12
 13
 14
 15 DEPOSITION OF JOANN WILLIAMS-BRANCH
 16 Taken in behalf of the Defendants

17
 18 April 7, 1998
 19 Portland, Oregon

20
 21 PACE REPORTING
 22 by Pamela Iman, Court Reporter
 23 1001 Molalla Avenue, Suite 204
 24 Oregon City, Oregon 97045
 25 (503) 655-4183

1 BE IT REMEMBERED that pursuant to the Oregon

2 Civil Rules of Civil Procedure, the deposition of
3 JOANN WILLIAMS-BRANCH was taken in behalf of the
4 Defendants before Pamella M. Iman, a Court Reporter
5 and Notary Public for the State of Oregon, on
6 Tuesday, April 7, 1998, commencing at the hour of
7 9:03 a.m., at the law offices of SWANSON, THOMAS &
8 COON, 621 Southwest Morrison, Suite 900, Portland,
9 Oregon.

10 * * *

11

12 APPEARANCES

13 SWANSON, THOMAS & COON
14 RAYMOND F. THOMAS
15 Appearing in behalf of the Plaintiff

16 GAYLORD & EYERMAN
17 WILLIAM A. GAYLORD
18 Appearing in behalf of the Plaintiff

19 SHOOK, HARDY & BACON
20 BILLY R. RANGLES
21 JOHN FRASER
22 Appearing in behalf of the Defendant
23 Philp Morris, Inc.,
24 Philip Morris Companies, Inc.

25 LINDSAY, HART, NEIL & WEIGLER
JAMES DUMAS
JOHN D. KIMMERLEIN
Appearing in behalf of the Defendant
Fred Meyer, Inc.

* * *

1 EXAMINATION INDEX

2	WITNESS	PAGE
3	JOANN WILLIAMS-BRANCH	
4	Examination by Mr. Randles	4

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

REQUESTS FOR PRODUCTION

(None.)

EXHIBIT INDEX

NO.	DESCRIPTION	PAGE
(None.)		

1 JOANN WILLIAMS-BRANCH,
2 called as a witness in behalf of the Defendants,
3 being first duly affirmed by the Court Reporter, was
4 examined and testified as follows:
5
6 EXAMINATION
7 BY MR. RANGLES:
8 Q. Have you ever had your deposition taken before?

9 A. I'm not sure. I can't remember.

10 Q. Let's go through a few basic rules.

11 A. Okay.

12 Q. I'll be asking questions, and you'll need to answer

13 audibly for the court reporter, because she is going

14 to be taking everything we say down.

15 If I ask a question that you don't understand,

16 please stop me, and I'll be happy to rephrase it.

17 Anytime you want to take a break, just let me

18 know. That's no problem.

19 A. Okay.

20 Q. Are you taking any medications today?

21 A. No, I'm not.

22 Q. Is there any reason, physical or otherwise, that

23 your memory will be impaired in any way?

24 A. No.

25 Q. Is there anything that can you think of that will

5

1 prevent you from answering my questions today?

2 A. No.

3 Q. Thank you.

4 What is your Social Security number?

5 A. - - .

6 Q. And when were you born?

7 A. A long time ago; 11-25-55.

8 Q. Those are the sort of ungracious questions we

9 lawyers are obliged to ask women. I'm sorry.

10 Where were you born?

11 A. Here; Multnomah County, Portland, Oregon.

12 Q. What is your present residence?
13 A. 6007 Northeast 34th, Portland, Oregon.
14 Q. How long have you lived at that address?
15 A. I believe a year now.
16 Q. And do you live with anyone there?
17 A. Yes; my mom.
18 Q. Does anyone else live there?
19 A. No.
20 Q. Is that your parents' home that you moved back into?
21 A. Yes.
22 Q. Okay. Have you lived in Portland your entire adult
23 life?
24 A. Yes.
25 Q. Have you ever lived away from Portland?

6

1 A. Yes.
2 Q. When was that and where did you live?
3 A. I lived in Fort Worth, Texas, for about -- what was
4 the other part of the question? I'm sorry.
5 Q. When?
6 A. I think it was in 1986. I think. I'm not sure of
7 that.
8 Q. Was it for part of a year or more than a year?
9 A. Three months.
10 Q. Who did you live with in Fort Worth?
11 A. My uncle.
12 Q. Which uncle was that?
13 A. Eddie Hill.
14 Q. And why did you move to Fort Worth to live with your

15 uncle?

16 A. I was going through a -- I was separated, going

17 through a divorce.

18 Q. Is Eddie Hill still living?

19 A. Yes.

20 Q. And where does he live now?

21 A. Crockett, Texas. Not Crockett. Fort Worth,

22 Texas.

23 Q. Do you know his address?

24 A. No, I do not.

25 Q. Is Eddie Hill a smoker?

7

1 A. Pardon me?

2 Q. Is Eddie Hill a smoker?

3 A. He used to be.

4 Q. Was he a smoker when you lived with him?

5 A. Yes.

6 Q. To the extent that you can recall them, would you

7 provide for me your addresses since you've moved out

8 of your parents home originally.

9 A. The last address?

10 Q. Why don't you start with the first one that you

11 lived at after you moved out of your parents' home

12 when you were growing up.

13 A. When I was a kid?

14 Q. Right.

15 A. Let's see. I moved to 23rd in Multnomah. I don't

16 know the address. I can't remember. That was the

17 first apartment I had. Then after -- then I can't

18 remember the years. I'm sorry about this.

19 Q. That's fine.

20 A. Then I moved into -- we bought a house, me and my

21 husband, on Garfield, Shaffer and Garfield. I can't

22 remember the address. I'm sorry. It's just too

23 long ago for me.

24 Then I moved -- we moved into an apartment from

25 there, and I don't know what year, on Yamhill, I

8

1 think it was, Southeast Yamhill.

2 And I think we moved into a different --

3 another apartment another year on 136th and Powell;

4 on Powell, I think. Then we moved back into our

5 home, because we were just renting. And then about

6 '89 I moved into an apartment by myself -- this is

7 when I was going through a divorce -- and that was

8 on 11th and Wygant.

9 And then from 11th and Wygant I moved into a

10 house on North Borthwick. And from North Borthwick,

11 I moved into the house behind my mom and dad, which

12 is 6102 Northeast 34th Avenue. And then from there

13 I moved in with my mom and dad.

14 Q. Since you moved out of your parents' home into these

15 addresses that we've discussed, what persons have

16 you lived with?

17 A. Just my husband and my son.

18 Q. And your uncle?

19 A. Yeah.

20 Q. Has anyone else lived with you at any of those

21 locations?
22 A. Well, my aunt lived with my uncle.
23 Q. Oh, okay.
24 What is her name?
25 A. Rena Hill.

9

1 Q. Anyone else?
2 A. Say that again. Repeat the question again.
3 Q. Anyone else lived with you at any of these
4 addresses?
5 A. No, just the ones that I've mentioned.
6 Q. Okay. Were any of the people that you lived with,
7 your husband, your son, your uncle, your aunt, are
8 any of them smokers?
9 A. Just the one I mentioned.
10 Q. Just your uncle?
11 A. Yeah.
12 Q. Did you ever talk to your uncle about his smoking?
13 A. About what?
14 Q. About his smoking?
15 A. No.
16 Q. Did you review any documents to prepare for your
17 deposition?
18 A. Did I view any documents?
19 Q. Review any documents, look at any documents.
20 A. I don't remember reviewing any documents.
21 Q. Other than your attorneys, did you have discussions
22 with anyone about your deposition today?
23 A. Today?

24 Repeat the question. I'm sorry.

25 Q. Other than your attorneys, did you have any

10

1 discussions with anyone about this deposition?

2 A. Just my mom.

3 Q. And what did -- what was the substance of your
4 conversation with your mother?

5 MR. GAYLORD: I'm instructing you not to answer
6 with respect to conversations with your mom in the
7 presence of any attorneys.

8 MR. RANGLES: With that reservation.

9 THE WITNESS: We didn't discuss it, really. We
10 just knew we was going to have it, you know, do it.
11 That's it.

12 Q. BY MR. RANGLES: You were present yesterday for your
13 mother's testimony, weren't you?

14 A. Yes.

15 Q. As you sit here now, is there anything she said that
16 you disagreed with?

17 MR. GAYLORD: Object to the form of the
18 question.

19 THE WITNESS: I can't even remember, you know.
20 I don't think so.

21 Q. BY MR. RANGLES: When were you married?

22 A. It's been too long ago. I believe it was December
23 2 -- it's either December or November 25th of '77, I
24 think. It's too hard to remember. I'm sorry.

25 Q. Were you married on the same month and day as your

1 parents?

2 A. I think a day from there or so, same month.

3 Q. I thought so.

4 A. We kind of celebrate our anniversaries together.

5 Q. Where were you married?

6 A. Vancouver, Washington.

7 Q. What is your ex-husband's name?

8 A. Stanford Branch.

9 Q. And when were you divorced?

10 A. I think it was May 29th, 1989, I think. Either

11 April or May.

12 Q. Where you married in a religious ceremony?

13 A. No.

14 Q. And that is your -- that's the only time that you

15 have been married, correct?

16 A. Yes.

17 Q. What was Mr. Branch's relationship with your father?

18 A. A good one.

19 Q. Did they see each other frequently?

20 A. Yeah.

21 Q. Did they ever socialize together?

22 A. Sitting down watching sports, I guess.

23 Q. Did they ever go places, sort of just the two of

24 them?

25 A. Not that I know of.

1 Q. Did he continue to have a relationship with your
2 father after the divorce?
3 A. Yes.
4 Q. Where is Mr. Branch currently living?
5 A. On 6565 Northeast 8th.
6 Q. Do you practice a formal religion?
7 A. Do I practice? Yes.
8 Q. What religion is that?
9 A. Jehovah's Witness.
10 Q. How long have you been a member of the Jehovah's
11 Witness church?
12 A. Since -- I grew up as a Jehovah's Witness. I was
13 baptized in 1973.
14 Q. Have you regularly attended services all your life?
15 A. No.
16 Q. Was there a time when you didn't?
17 A. Yes.
18 Q. What time period was that?
19 A. '77, when I was married first, and probably to about
20 1982.
21 Q. To make sure I understand, are you saying that from
22 1977 to 1982 you did not regularly attend?
23 A. That's correct.
24 Q. Did you attend on occasion?
25 A. Yes.

13

1 Q. Are your religious beliefs essentially the same as
2 your mother's?
3 A. Yes.

4 Q. Are there any significant differences of which you
5 are aware?
6 A. What do you mean?
7 Q. Between your beliefs and your mother's?
8 A. It's the same.
9 Q. Okay. Was your husband a member of the Jehovah's
10 Witness religion?
11 A. No.
12 Q. Do you have children?
13 A. Yes.
14 Q. How many?
15 A. One.
16 Q. And what is your child's name?
17 A. Adrian L. Branch.
18 Q. And when was Adrian born?
19 A. June -- 7-20-77.
20 Q. Is Adrian Branch a member of the Jehovah's Witness
21 religion?
22 A. No, he's not, not any longer.
23 Q. Your mother testified that she and Mr. Williams,
24 your father, joined the Jehovah's Witnesses in
25 1962.

14

1 Is that your understanding as well?
2 A. Probably, yes.
3 Q. What sources do you refer to to determine the
4 church's teaching on any given subject?
5 A. What sources?
6 Q. What sources.

7 A. The bible.
8 Q. Anything else?
9 A. The bible is our answer to everything.
10 Q. Does the church put out literature to help explain
11 the church's position on certain subjects?
12 A. Sure.
13 Q. What type of literature does the church put out?
14 A. As far as explaining what they believe?
15 Q. Yes, ma'am.
16 A. There is tracts and brochures.
17 Q. Does the church put out any regular publications
18 that go to its membership?
19 A. That what?
20 Q. Does the church put out regular publications that go
21 to its membership?
22 A. That goes to the membership?
23 Q. That the members receive on a regular basis.
24 A. Like the Watchtower and Awake magazines?
25 Q. How often are those published?

15

1 A. Every two weeks.
2 Q. Are members of the church expected to read these,
3 the Watchtower and the Awake, in their entirety
4 every two weeks?
5 A. It's a person's choice to do anything. But with all
6 the true information in it, we read it.
7 Q. Is it strongly encouraged for members to read it?
8 A. If they want to read it, you know. But with the
9 information that's in it, it's true, so we read it.

10 Q. And is it with the -- has it always been your
11 practice to review those publications when they come
12 out?
13 A. Yes.
14 Q. Would that have been true even during the 1977 to
15 the 1982 period?
16 A. If I received it then, I would have read it. But I
17 had not been attending the meetings as often, so I
18 didn't receive the literature as often,
19 unfortunately for me.
20 Q. Are those publications discussed at church meetings?
21 A. Yes, the Watchtower.
22 Q. You earlier referred to the true information in
23 the -- do you believe that everything you read in
24 the Watchtower and the Awake magazine are true?
25 MR. GAYLORD: Object to the form of the

16

1 question.
2 THE WITNESS: Can I answer it?
3 MR. GAYLORD: You can answer it.
4 MR. RANGLES: You may answer it.
5 THE WITNESS: Sure.
6 Q. BY MR. RANGLES: And are there any exceptions to
7 that that you can think of?
8 A. That's not true, you mean?
9 Q. Yes, ma'am.
10 A. No.
11 Q. Did your father regularly review the Watchtower and
12 the Awake magazines?

13 A. With my mom, yes, he did.
14 Q. Did the two of them discuss what was in them in your
15 presence?
16 A. On occasion; yes, we all did.
17 Q. Did you discuss it with your father?
18 A. Yeah, on occasion, sure.
19 Q. Were there any particular subjects that you were
20 more likely to discuss with your father out of those
21 publications than other subjects?
22 A. No. Whatever came about. Not really.
23 Q. Was it a subject -- did your father and yourself
24 frequently discuss what was in those publications?
25 A. Not recently, no, because he was disfellowshipped.

17

1 It was something that I couldn't discuss with him
2 anymore.
3 Q. Before he was disfellowshipped, did you regularly
4 discuss what was in the church literature?
5 A. On occasions we did.
6 Q. After he was disfellowshipped, did your father still
7 read the Jehovah's Witness literature?
8 A. Yeah, on occasion, he sure did.
9 Q. Did he continue to believe in the tenets of the
10 Jehovah's Witness religion even after he was
11 disfellowshipped?
12 A. Repeat the question.
13 Q. That's a good idea.
14 After he was disfellowshipped, did he still
15 believe the teachings of the Jehovah's Witness

16 church?

17 MR. GAYLORD: Object to the form of the

18 question.

19 THE WITNESS: Yes.

20 Q. BY MR. RANGLES: How many services of the Jehovah's

21 Witness church do you attend a week?

22 A. I believe it is five.

23 Q. If a person wanted to know more about the Jehovah's

24 Witness religion, what materials would you provide

25 to them?

18

1 A. Repeat the question. I was thinking of something

2 else.

3 May I correct something?

4 Q. Of course.

5 A. I believe our meetings, it may be three. You know,

6 we have the book study, we have the ministry school,

7 which is one night. Then we have the Watchtower

8 study and a talk on one day, and the book study, so

9 that's three.

10 Q. So you go three times a week for five sessions?

11 A. Right. Right. Yeah. Three times.

12 Q. I appreciate that clarification.

13 A. Sure.

14 Q. If a person wanted to know about the Jehovah's

15 Witness religion, what material would you provide

16 them?

17 A. A tract or brochure recording Jehovah's Witnesses

18 and our beliefs.

19 Q. Are there tracts that sort of summarize your
20 beliefs?
21 A. Yes, there are.
22 Q. Do you have copies of any of those tracts?
23 A. Not on hand with me.
24 Q. I mean at your home.
25 A. Oh, yes.

19

1 Q. I would like to make a request of your counsel for
2 him to consider producing those.
3 MR. RANGLES: I would like to be provided a
4 copy of one or more of the tracts that provide any
5 background of Jehovah's Witnesses' beliefs.
6 MR. GAYLORD: All right. We'll consider that.
7 I'm not sure I know exactly what you're asking for.
8 Any specific one or --
9 MR. RANGLES: I don't really know,
10 Mr. Gaylord. Just some background information.
11 MR. GAYLORD: I would suggest that it would
12 probably be a good practice to put something like
13 that in writing so that we've got something to be
14 reminded of. I'd appreciate that if you'd do that.
15 MR. RANGLES: All right. Thank you.
16 Q. BY MR. RANGLES: Is an element of your religion --
17 let me start over. That was already being poorly
18 worded.
19 Are you encouraged as a member of the Jehovah's
20 Witness church to try to bring others into the
21 Jehovah's Witness faith?

22 A. Repeat the question one more time.
23 Q. I'll try again.
24 A. Okay.
25 Q. Are you encouraged to do, in a broad sense,

20

1 missionary work as a member of the Jehovah's Witness
2 church?
3 A. Not missionary work, but preaching activity. It's
4 commanded to do it in the bible, Matthew 28:19 and
5 20 and also Matthew 24:14.
6 See, we do that --
7 Q. I'm sorry. I didn't mean to interrupt you.
8 Can you explain to me what you mean by that,
9 how you carry out that?
10 A. In the bible it tells us to preach and make
11 disciples in Matthew 28:19 and 20. So in order to
12 do that, you go out and reach people like Jesus
13 did. It's not by TV. It's by getting out and
14 talking to people wherever they are, at work or
15 wherever.
16 Q. And when you talk to people, do you provide them
17 with written material?
18 A. Sure.
19 Q. And what sorts of material have you personally
20 provided people?
21 A. The Watchtower and Awake. And if they would like to
22 know what Jehovah's Witnesses' beliefs are, like I
23 said, a tract will be given to them or whatever.
24 Q. Is there any book or pamphlet that you would

1 church that you would consider a good summary of
2 what Jehovah's Witnesses believe and how they
3 practice?

4 A. A tract. We have a tract that really explains
5 that. And there is another book. It's a brochure.
6 It's regarding Jehovah's Witnesses' children, our
7 children and what we believe. That's a really good
8 one.

9 Q. Could you, as much as you can remember, tell me the
10 name of the tract that you're referring to?

11 A. The tract is "A Jehovah's Witness," I believe. And
12 the brochure -- did you want the name of the
13 brochure as well?

14 Q. Yes, ma'am.

15 A. Jehovah's Witness -- I can't think of it. "Children
16 and Jehovah's Witnesses," or something like that;
17 something to that effect. It's something that we
18 give the teachers. Like my son was Jehovah's
19 Witness. I gave his teachers the tract, the
20 brochure.

21 Q. If I were to write a letter to you through your
22 attorney, of course, asking for the tract that
23 summarizes the Jehovah's Witnesses' beliefs and the
24 book regarding the Jehovah's Witnesses' children,
25 you would understand what I meant if I described it

1 that way?

2 A. Yes.

3 Q. Thank you.

4 Did your father ever review that tract that

5 you're referring to or a similar one to it, I

6 suppose, that are put out over time?

7 A. I don't know.

8 Q. Do you know whether he reviewed the brochure that

9 you've described?

10 A. I have no idea. I haven't lived with my father for

11 a long time, so I don't know.

12 Q. When your father was still a member of the church,

13 about how often would you see him?

14 A. When he was a member?

15 Q. Yes, ma'am.

16 A. I'd see my dad all the time even when he wasn't a

17 member.

18 Q. So you would be in fairly frequent contact with your

19 father over the years?

20 A. Of course.

21 Q. What did your church teach about smoking?

22 A. Well, with anything, smoking or anything else that

23 is bad for your health or bad for you, we shouldn't

24 take it in or, you know, take it into our bodies.

25 And that's basically it. That's what I was taught.

1 That's what the bible says.

2 Q. And is that what the church taught about smoking

3 from as far back as you can remember?

4 A. No.

5 Q. Was there a time when the church teaching you

6 received about smoking was different?

7 A. Yes.

8 Q. At what point -- before what point in time was the

9 teachings of the church different about smoking?

10 A. Probably around the '60s and '70s, I guess. I don't

11 remember it that well. But I guess that's a good

12 guess.

13 Q. And what was the teaching during that earlier period

14 of time about smoking?

15 A. Actually, there wasn't -- I don't remember. I

16 really can't remember that.

17 Q. So the first time you remember the church teaching

18 you about smoking would be sometime in the '60s

19 or '70s; is that right?

20 A. Say the question again.

21 Q. So the first -- the earliest teachings of the church

22 that you remember about smoking were in the '60s

23 or '70s; is that right?

24 A. For me, I think I remember more in the '80s for me,

25 because I just can't remember back that far.

24

1 Let me clarify something.

2 Years ago, they didn't teach about smoking or

3 anything. People used to smoke and be Jehovah's

4 Witnesses. But because of -- I guess the light

5 getting brighter, so to speak, you know, then they

6 stopped.

7 Q. What point in time was it when Jehovah's Witnesses

8 were told they couldn't smoke and still be members?

9 A. I can't remember that. Probably in -- probably in

10 the '70s, I guess. I'm not really sure. I can't

11 really remember.

12 Q. What did the church teach about people's abilities

13 to quit smoking?

14 A. People's abilities to quit smoking? I don't know.

15 Q. Have you ever heard or read that through faith,

16 prayer, and God's Holy Spirit, Christians can break

17 the tobacco habit?

18 A. No, I've never heard of that.

19 Q. Do you agree with that?

20 MR. GAYLORD: Object to the form of the

21 question.

22 THE WITNESS: I don't know.

23 Q. BY MR. RANGLES: Have you ever heard or read that if

24 a smoker really cares not only for his life but for

25 his loved ones, he can indeed stop smoking?

25

1 MR. GAYLORD: Object to the form of the

2 question.

3 THE WITNESS: No, I've never heard of that.

4 Q. BY MR. RANGLES: Do you agree with that?

5 MR. GAYLORD: Object to the form of the

6 question.

7 THE WITNESS: Repeat the question.

8 Q. BY MR. RANGLES: Do you agree with that?

9 MR. GAYLORD: Object to the form of the
10 question.
11 THE WITNESS: Can you repeat the question?
12 Q. BY MR. RANGLES: Of course.
13 Do you agree with the statement that if any
14 smoker really cares not only for his own life but
15 for his loved ones, he can indeed stop smoking?
16 MR. GAYLORD: Bill, I'm going to object and
17 instruct the witness not to answer, because you are
18 really asking an expert-opinion question. This
19 person is not offered as an expert witness.
20 MR. RANGLES: I'm asking for a lay opinion, and
21 I believe I'm entitled to an answer.
22 MR. GAYLORD: She doesn't have to give you an
23 opinion. She's not here hired as an expert, so my
24 instruction to her is not to answer.
25 MR. RANGLES: I believe I am entitled to an

26

1 answer and we'll take that up with the judge.
2 Q. BY MR. RANGLES: Have you ever heard the statement
3 that nothing is as lethal as cigarettes, nothing
4 kills as slowly and painfully as a cigarette?
5 MR. GAYLORD: That exact statement.
6 THE WITNESS: No, I've never heard of that.
7 Q. BY MR. RANGLES: Do you agree with that?
8 MR. GAYLORD: Object to the form of the
9 question.
10 Instruct the witness not to answer as to the
11 matter of opinion.

12 MR. RANGLES: I'm entitled to find out this
13 witness' personal beliefs, and that's what I'm
14 asking for. I'm not asking for any expert opinion.
15 MR. GAYLORD: On what basis are you entitled to
16 find out this witness' personal beliefs?
17 MR. RANGLES: I am not going to debate you on
18 the record, but I will briefly state that the
19 subject of the lawsuit is smoking. I am entitled to
20 know her beliefs about smoking, what beliefs were
21 communicated to her father. I'm entitled to the
22 family's beliefs about smoking and what opinions
23 were communicated to the smoker about those.
24 Now, if you want to stop me from inquiring into
25 that, I will take it up with the judge.

27

1 MR. GAYLORD: If you're asking her what she
2 communicated to her father, I'm not objecting to
3 that question. If you're asking her, as she sits
4 here today, what her opinion is about smoking, she
5 is not offered as an expert witness.
6 MR. RANGLES: I'm starting with her beliefs,
7 then I will move to what she talked to her father
8 about. I'm entitled to do it in the order I believe
9 is appropriate.
10 MR. GAYLORD: If you want to say --
11 MR. RANGLES: And if you're --
12 MR. GAYLORD: Her beliefs today, her opinions
13 today are not discoverable.
14 MR. RANGLES: Well, we're going to come back

15 and get this. I'm going to pursue this line of
16 questioning. And if you're going to cut me off at
17 every point, that's fine.

18 MR. GAYLORD: What I would suggest is you look
19 into the local rules and the local practices.

20 Did you do that?

21 MR. DUMAS: Off the record for a minute?

22 MR. RANGLES: Okay.

23 (A discussion was held off the record.)

24 MR. GAYLORD: We both want a good opportunity
25 to say on the record what our position is and why.

28

1 Let's say this for the record -- and if it's any
2 guidance to you and makes any difference to you on
3 how you proceed, fine. If it doesn't, we'll go have
4 the judge sort this out for us.

5 I don't believe you are entitled to discover
6 from this witness her present-day opinions or
7 beliefs about anything, but particularly about the
8 subject of tobacco or cigarettes. Because what she
9 believes today is not what the lawsuit is about, and
10 it's not reasonably calculated to lead to relevant
11 evidence.

12 She is not a person with an established
13 expertise on which to base any opinion. And if it
14 was an opinion that she held as an expert, you
15 certainly would not be entitled to discover it in
16 our jurisdiction.

17 The distinction that I'm making is that you may

18 very well be entitled and are welcome to inquire
19 about what she may have believed in a relevant time
20 period and therefore communicated or not to her
21 father. That's the distinction that I think is
22 pertinent.

23 MR. RANGLES: Okay. Are you finished?

24 MR. GAYLORD: I am.

25 MR. RANGLES: I disagree with virtually

29

1 everything counsel has just said. I'm not
2 particularly interested in debating it here. The
3 standard discovery is a broad one. I am entitled to
4 inquire into lay witnesses' beliefs.

5 You've drawn a distinction that has been
6 discarded by the Rules of Evidence long ago. I'm
7 asking for a lay opinion. Her opinions are
8 reasonably calculated to lead to the discovery of
9 admissible evidence.

10 I'm go to continue this line of questioning. I
11 will modify this line of questioning to talk about
12 other time periods. But I want it clear on the
13 record -- I'll tell you when I'm done with this line
14 of questioning -- that I intend to proceed with
15 asking about present beliefs. And it's up to
16 counsel -- I can ask them -- you can direct your
17 witness not to answer each one of them, or we can
18 just --

19 MR. GAYLORD: You have the record. I don't
20 think there is any question about the record. I'm

21 going to instruct her not to answer questions about
22 her present state of beliefs, opinions, and
23 knowledge.

24 MR. DUMAS: Bill, would you agree that for
25 purposes of this deposition we need not take up the

30

1 discoverability of your client's current opinions
2 with the judge today, that we've protected our
3 record on this point?

4 MR. GAYLORD: You've made your record.

5 MR. RANGLES: Let's proceed.

6 Q. BY MR. RANGLES: At any point in time in the past,
7 would you have agreed with the statement: That
8 through faith, prayer, and God's Holy Spirit
9 Christians can break the tobacco habit?

10 MR. GAYLORD: I'll object to the form of that
11 question for a variety of other reasons. It's
12 argumentative as all hell.

13 MR. RANGLES: Are you going to let your witness
14 answer?

15 MR. GAYLORD: If the question is at a point
16 relevant to when her father's knowledge could have
17 been relevant.

18 Q. BY MR. RANGLES: Prior to your father's death, would
19 you have agreed with the statement that through
20 faith, prayer, and God's Holy Spirit Christians can
21 break the tobacco habit?

22 MR. GAYLORD: Same objection.

23 You can answer it, if you have an answer to it.

24 THE WITNESS: I don't know the answer to it. I
25 just can't think of it right now.

31

1 Q. BY MR. RANGLES: Is your answer you don't know
2 whether you agree or disagree -- would have agreed
3 or disagreed with that statement?

4 MR. GAYLORD: Object to the form of the
5 question.

6 THE WITNESS: I just can't come up with an
7 answer right now. I can't think of an answer right
8 now to that question.

9 Q. Prior to your father's death, would you have agreed
10 with the statement that if any smoker really cared
11 not only for his life but for his loved ones, he can
12 indeed stop?

13 MR. GAYLORD: Same objection.

14 THE WITNESS: Repeat it again, would you?

15 Q. BY MR. RANGLES: Prior to your father's death, would
16 you have agreed with the statement, if any smoker
17 really cares not only for his life but for his loved
18 ones, he can indeed stop?

19 MR. GAYLORD: Same objection.

20 THE WITNESS: I don't agree with that.

21 Q. BY MR. RANGLES: You don't agree with that?

22 A. I don't agree with that question.

23 Q. Did you ever tell your father he could quit smoking?

24 A. No.

25 Q. Did you ever tell him he should quit smoking?

1 A. Yes.

2 Q. Often?

3 A. Yes.

4 Q. What would he say?

5 A. "I'm trying, Jo, but I just can't do it."

6 (Witness crying.)

7 Q. BY MR. RANGLES: Have you ever heard the statement

8 that cigarettes in their own way can be as addictive

9 for many people as heroin?

10 A. Have I ever heard that statement?

11 Q. Yes.

12 A. I don't know.

13 MR. GAYLORD: Excuse me just a minute.

14 (A discussion was held off the record.)

15 (Recess.)

16 MR. GAYLORD: Back on the record.

17 I want to make very clear about these disputed

18 areas. If this augments or broadens the position

19 that I'm taking, you're at least on notice. And if

20 we need to draw our lines and go to the judge, why

21 that's fine.

22 I'm going to instruct the witness not to answer

23 any more questions in which counsel is stating what

24 sounds like pop psychology or some sort of a

25 religious platitude from an uncited source. And

1 seeking this witness' interpretation at the present
2 state is not within the scope of discovery.

3 She isn't even a user of the product. It's not
4 relevant or likely or even possible to lead to
5 relevant evidence. It's calling for an opinion of
6 the present state of affairs, and, in addition,
7 whatever opinion or state of knowledge she has today
8 about it is inherently intertwined with
9 attorney-client privilege issues, consultations, and
10 advice received from attorneys.

11 For all of those reasons, we're not going to
12 proceed that way. If that upsets anybody and
13 Counsel wants to talk to the judge, fine.

14 MR. RANGLES: You done?

15 MR. GAYLORD: I'm done.

16 MR. RANGLES: Well, we started this deposition
17 at about ten after 9:00. It's about five after
18 10:00. We've just came back from a 15, 20-minute
19 break while you consulted with your client.

20 MR. GAYLORD: No. We came back from a break
21 while my client got over being upset by your prior
22 question.

23 MR. RANGLES: So far, I think, Counsel has
24 spoken almost as much on the record this morning as
25 his client.

34

1 I have several more questions along this line.
2 I'm entitled to answers on them for the reasons
3 we've discussed. I'm not going to further debate it

4 with you here. Counsel is representing -- he's
5 cutting off my line of questioning, then we'll go to
6 the judge.

7 MR. GAYLORD: Fine. If you're not going to
8 change your line of questioning, which is based on
9 citing statements from your uncited sources that
10 sound highfalutin and impressive and you're asking
11 this witness to interpret them, you might as well go
12 to the judge.

13 MR. RANGLES: Well, while I don't agree with
14 any characterization you just made, if you are
15 cutting off my line of questioning, you are
16 certainly entitled to do that at this moment,
17 although it's entirely improper, and we'll go to the
18 judge.

19 Q. BY MR. RANGLES: Did your church offer any help to
20 people who wanted to quit smoking?

21 A. The only thing they would offer was prayer.

22 Q. What do you mean when you say, "The only thing they
23 could offer was prayer"?

24 A. They are not doctors, so all they can offer is
25 prayer. The only thing they can offer spiritually

35

1 is prayer.

2 Q. When you encouraged your father to quit smoking, did
3 you believe he could?

4 A. When I asked my dad to stop smoking, did I believe
5 he could?

6 Q. (Nods head.)

7 A. I don't know if he could or not, 'cause he didn't.
8 I asked him, I begged him, as a matter of fact. We
9 all did, and he could not.
10 Q. When you asked him to quit smoking did you tell him,
11 "You can do it"?
12 A. No. I said, "Please try, Dad, the best you can.
13 Please try."
14 Q. What did the family do to help Mr. Williams quit
15 smoking?
16 A. What did my family do?
17 Q. Yes.
18 A. We would buy him like the patches or the gum. We
19 would talk to him, plead to him, beg him. None of
20 it would help.
21 Q. What does it mean to be disfellowshipped from your
22 church?
23 A. It means to -- that you cannot associate with the
24 believers anymore. You can attend the meetings, but
25 you cannot partake at the meetings, like as far

36

1 as -- participate, rather, at the meetings, like
2 comments and talk to the brothers and sisters
3 there.
4 Q. So you could go -- so Mr. Williams go could to
5 church, but he couldn't talk to anyone there; is
6 that right?
7 A. Um-hum.
8 Q. Are all of your brothers and sisters Jehovah's
9 Witnesses?

10 A. No.
11 Q. Which ones are?
12 A. Jessie, Glenn; Freda is studying to be one now.
13 Q. Which ones are not?
14 A. Calvin, Darlene. Let's see. Is that all of us? I
15 think that is all of us.
16 Q. After your father was disfellowshipped, how did that
17 change his relationship with your mother?
18 A. With my mother?
19 Q. Yes.
20 A. She was saddened. They were still close and loving
21 with each other, but she was saddened because he
22 didn't believe in what -- well, he couldn't practice
23 what she practiced anymore.
24 Q. Did it change the frequency of their contact or the
25 nature of their relationship?

37

1 A. No.
2 Q. How did your relationship with your father change
3 once he was disfellowshipped?
4 A. I could no longer speak to him on spiritual
5 matters.
6 Q. How would you define "spiritual matters"?
7 A. Well, spiritual matters, like anything that had to
8 do with the bible. Speaking to him about Jehovah,
9 about Jesus, no more bible studies or, you know,
10 family studies anymore; things like that.
11 Q. When you would come over to your parents' home to
12 visit with your mother, would your father have to

13 leave the room?

14 A. No. It's his house.

15 Q. Could he participate in the conversation?

16 A. If it's not spiritual, sure, he could. Again, it's

17 his house, so --

18 Q. How did it change his relationship with your

19 brothers and sisters?

20 A. For those who are Witnesses, same thing, they

21 couldn't speak on spiritual matters with my dad.

22 Q. Were there any other consequences for being

23 disfellowshipped?

24 A. Consequences?

25 Q. Yes.

38

1 A. As far as what I said, you know, no one could talk

2 to him. And he could attend the meetings, if you

3 chose to do that, if a person chooses to do that,

4 but they could not comment at the meetings or

5 socialize with the congregation.

6 Q. Did your father choose to attend the meetings after

7 he was disfellowshipped?

8 A. On occasions he did.

9 Q. Did he attend as frequently as he had previously?

10 A. No.

11 Q. How often would he attend after he was

12 disfellowshipped?

13 A. Not often. I can't say how many times or anything.

14 Q. How frequently would he attend before he was

15 disfellowshipped?

16 A. All the time; all the meetings.

17 Q. Three time a week, five sessions?
18 A. Um-hum.
19 Q. And that was the case from the time he joined the
20 church until he was disfellowshipped?
21 A. Yes.
22 Q. What is your son's present address?
23 A. I think it's 73 -- no, no -- 7230 Northeast
24 Tillamook, Apartment 3, Portland.
25 Q. Does he live alone?

39

1 A. No, he does not.
2 Q. Who does he live with?
3 A. He lives with my grandson and his fiancée.
4 Q. Was your son close to Mr. Williams?
5 A. Extremely close.
6 Q. Did they spend a lot of time together?
7 A. Yes.
8 Q. Who among Mr. Williams' grandchildren spent the most
9 time with him?
10 A. All of them. All of them spent the most time with
11 him, I believe.
12 Q. All of them spent quite a bit of time with him?
13 A. Yes.
14 Q. Who among Mr. Williams' children spent the most time
15 with him?
16 A. Jessie.
17 Q. Jessie?
18 A. Um-hum. Because he lived with him.
19 Q. How long did he live with him?

20 A. Years. I can't -- for years.
21 Q. When did he move out?
22 A. He just recently got married, so -- just before I
23 came in, he moved out.
24 Q. So would that be sometime in 1996?
25 A. Probably, yeah, I would guess.

40

1 Q. After Jessie, who would you say among Mr. Williams
2 children spent the most time with him?
3 A. We all did. Since Jess lived there he spent the
4 most time with dad, you know.
5 Q. Who would you say knew your father best in the
6 world?
7 A. My mom.
8 Q. Who would be next?
9 A. Jess claims he does.
10 Q. Do you agree with him? You're smiling.
11 A. He lived with him the longest, so --
12 Q. He has a reasonable claim.
13 Who of your father's -- let me start again.
14 Outside of the family who would have known your
15 father best?
16 A. Outside of the family?
17 Q. Yes.
18 A. Like who do you mean?
19 Q. Excuse me?
20 A. Like who do you mean?
21 Q. Well, outside your mother and his children and his
22 grandchildren, who do you think would have known him

23 best?
24 A. I don't think anybody would have known Daddy best
25 but us.

41

1 Q. When he wasn't with the family, were there any
2 people he socialized with?
3 A. I don't know.
4 Q. Outside of the family home, did he have any hobbies?
5 A. Smoking and drinking coffee.
6 Q. Outside of the family home and work, where did he go
7 most often?
8 A. I think he went to restaurants to eat and drink and
9 smoke. Not drink -- he'd drink, you know, drink
10 coffee and smoke.
11 Q. What restaurants did he go to most frequently?
12 A. I used to see him all the time. I'd stop and talk
13 to him at -- what's it called? -- The Overlook. He
14 was there frequently. And I don't know the
15 Ballroom, I think it's called. Sometimes he would
16 be there. That's the ones that I've seen him at.
17 Q. Did your father go to bars?
18 A. I don't know about that. I don't know if you'd
19 consider the Ballroom a bar. I mean, the Pool
20 Room. What is it called? Ballroom, Pool Room;
21 something like that. It's a restaurant type -- you
22 know, restaurant type bar thing.
23 Q. Like a sports bar or something?
24 A. Yeah, I think it is. I think it's something like
25 that.

- 1 Q. Where is it located?
- 2 A. 42nd and what's that -- between Prescott and
- 3 Killingsworth on 42nd.
- 4 Q. Do you know Betty Hill's address?
- 5 A. No.
- 6 Q. Do you know where she lives?
- 7 A. No, I do not.
- 8 Q. Do you know what town she lives in?
- 9 A. Betty Hill?
- 10 Q. Yes.
- 11 A. She lives here in Portland.
- 12 Q. Do you know what part of town?
- 13 A. No. I don't know where she lives.
- 14 Q. Have you ever been to her house?
- 15 A. Yeah, but she no longer lives there. She lived in
- 16 apartments, but she don't live there anymore.
- 17 Q. Do you know Francis Hill's address?
- 18 A. No, I do not.
- 19 Q. Does she live in Portland?
- 20 A. Yes, she does.
- 21 Q. Do you know what part of Portland?
- 22 A. Northeast Portland.
- 23 Q. Have you ever been to her house?
- 24 A. No.
- 25 Q. Do you know the address of your father's sister,

- 1 Wanda Faye?

2 And your mother couldn't remember her last
3 name.
4 Do you know her last name?
5 A. Williams, I think.
6 Q. Do you know her address?
7 A. No, I do not.
8 Q. Do you know what town she lives in?
9 A. Fort Worth.
10 Q. Do you know what part of Fort Worth?
11 A. No.
12 Q. Did you visit her when you were living with your
13 uncle --
14 A. Yes.
15 Q. -- in Forth Worth?
16 A. Um-hum. Sure did.
17 Q. Is she a smoker?
18 A. I don't think she was.
19 (Mr. Randles and Mr. Fraser conferring.)
20 Q. BY MR. RANGLES: Do you know where Wanda Faye was
21 living when you visited her in '86?
22 A. I can't remember that.
23 Q. Do you remember the part of town?
24 A. No. She was only there for three months.
25 MR. RANGLES: Let's go off the record.

44

1 (A discussion was held off the record.)
2 Q. BY MR. RANGLES: Do any of your brothers or sisters
3 smoke?
4 A. Yes.
5 Q. Which ones?

6 A. Unfortunately Darlene smokes, Calvin smokes.
7 Q. Have you ever been a smoker?
8 A. Never in my life.
9 Q. Never even tried one?
10 A. Never in my life.
11 Q. Have you talked to Darlene and Calvin about their
12 smoking?
13 A. Yes.
14 Q. When did you start talking to them about their
15 smoking?
16 A. After Daddy died.
17 Q. Did you talk to them at all about their smoking
18 before your father died?
19 A. No, I don't think so. No, I didn't.
20 Q. When you were growing up, did your father ever talk
21 to the kids about smoking?
22 A. Yeah. He told us never to do it.
23 Q. Did he say why?
24 A. He said it's nasty. It's bad for your breath, for
25 your teeth; everything.

45

1 Q. Did he say it was bad for your health?
2 A. No, because I don't think he knew that.
3 Q. When you were growing up, did you know that smoking
4 was bad for your health?
5 A. When I was growing up?
6 Q. Yes.
7 A. No, never.
8 Q. You'd never heard that?

9 A. Never. Not since -- when I was growing up, no.

10 Q. When was the first time that you heard that smoking

11 was bad for your health?

12 A. In recent years.

13 Q. How recent?

14 A. I don't know.

15 Q. Within the last ten?

16 A. Probably.

17 Q. Within the last five?

18 A. Probably.

19 Q. Within the last two?

20 A. Probably. I don't know. I really don't know. I

21 can't remember.

22 Q. Probably within the last five? Is that your best

23 recollection?

24 A. I don't know.

25 Q. Did you ever tell your father smoking was bad for

46

1 his health?

2 A. Not until the doctors told him that it was. I don't

3 know if it was bad for your health or not.

4 Q. The doctors told him regarding which condition, his

5 cancer?

6 A. No. I think when he had the bronchitis and he was,

7 you know, coughing and coughing and coughing. And I

8 think they told him that cigarettes were bad for

9 him.

10 Q. So over the years, when you encouraged your father

11 to quit smoking, is it because you believed it was

12 sinful as opposed to bad for his health?

13 A. Sinful?

14 Q. Wrong.

15 A. Wrong. You can say it like that. Sure, it was

16 wrong.

17 Q. And you encouraged him to quit smoking because you

18 thought it was wrong, not because you thought it was

19 bad for his health; is that right?

20 A. Um-hum.

21 Q. What high school did you attend?

22 A. I attended Washington and Grant High School.

23 Q. Which one did you graduate from?

24 A. Neither one of them.

25 Q. Okay. Have you had any -- did you ever receive your

47

1 high school equivalency?

2 A. GED, you mean?

3 Q. Yes.

4 A. Um-hum.

5 Q. Have you taken any courses since high school?

6 A. Yes.

7 Q. What courses and where?

8 A. I've taken businesses course at PCC. I took CNA;

9 certified nurse's assistant. Medical assisting,

10 that was limited because I didn't finish that. But

11 I took those courses.

12 THE WITNESS: Can I have some water?

13 MR. THOMAS: Sure.

14 (A discussion was held off the record.)

15 Q. BY MR. RANGLES: Starting with the first job you

16 had, I'd like for you to list for me your
17 employers.
18 A. It's going to be hard. I've had a lot of
19 employers.
20 My very first job. What was my very first
21 job? I have to think about that. I can't remember
22 my very first job.
23 Q. What is the first one that you can remember?
24 A. Emanuel Hospital, I think it was. It's the only one
25 that I can remember.

48

1 Q. When did you start there, approximately?
2 A. '78, 1978.
3 Q. You can't remember any jobs before '78?
4 A. I don't -- no, I really can't.
5 Q. Okay. What did you do at Emanuel Hospital?
6 A. I was a medical receptionist.
7 Q. What does that mean?
8 A. What does it mean?
9 Q. Yes.
10 A. It means that you were a -- I don't know what it
11 meant, but what did I do, maybe?
12 Q. Yeah, what did you do.
13 A. Okay. I pulled charts for doctors, called the
14 doctors up, had them come over to dictate on their
15 discharge summaries, objective reports. I did some
16 final checking on charts. You kind of mark where
17 the doctors need to sign and things like that.
18 That's about it.

19 Q. Did you type the forms, or did you --
20 A. Yeah, I typed. I typed not forms, but just cards
21 that were sent out to the doctors.
22 Q. Okay. Now, what kind of paperwork would you handle
23 in that job?
24 A. What would I handle?
25 Q. Yes.

49

1 A. Just the medical records, patients' medical records.
2 Q. Did you ever notice that on medical records there
3 would be a box to check as to whether a person was a
4 smoker or nonsmoker?
5 A. No, I never noticed that.
6 Q. How long did you work at Emanuel Hospital?
7 A. '78 to 82.
8 Q. Who was your supervisor?
9 A. Esther Wyatt.
10 Q. And why did you leave Emanuel Hospital in '82?
11 A. I was laid off.
12 Q. What was your next job?
13 A. After Emanuel -- oh, goodness. I should have
14 brought my resume, huh? That would help me out. I
15 can't remember what's next.
16 Q. What is the next one that you can remember?
17 A. Okay. The next one was Pargon Cable. It was Rogers
18 Cable TV then.
19 Q. When did you start with them?
20 A. I think it was about '79.
21 Q. While you were still working for Emanuel Hospital?

22 A. Maybe it was '80. I don't remember exactly which
23 dates. It was after I worked for Emanuel, I think.
24 I think I've got the dates right.
25 Q. What was your job there then?

50

1 A. I was just a customer service, telemarketing.
2 Q. And who was your supervisor there?
3 A. Joe DePinto.
4 Q. What was your next job?
5 A. My next job? I think it was Portland/Oregon
6 Visitors Association; POVA, P-O-V-A.
7 Q. And when did you start there?
8 A. I don't remember the years. Probably in the '80s.
9 I just can't remember.
10 Q. Why did you leave the cable company?
11 A. It was just a temporary job.
12 Q. Okay. What was your job at the Portland/Oregon
13 Visitors Association?
14 A. I was a receptionist there.
15 Q. Who was your supervisor there?
16 A. Roseanne Springer.
17 Q. When did you leave that job?
18 A. When?
19 Q. When.
20 A. Oh, my dates are not going to be accurate. I just
21 can't remember the dates.
22 Q. Okay. Why did you leave that job?
23 A. To further my career, I thought. And I went to the
24 Port of Portland. They paid more.

25 Q. About how long did you work there?

51

1 A. About, maybe, six or seven months.

2 Q. Who was your supervisor there?

3 A. Rosalie Stamos, S-t-a-m-o-s.

4 Q. And why did you leave the Port of Portland?

5 A. I was laid off.

6 Q. Did they give you any reasons?

7 A. Well, the reason was because I couldn't come back to
8 work. I was in an accident, and the doctor wouldn't
9 release me to go back to work right then.

10 Q. What type of accident?

11 A. Auto accident.

12 Q. Okay. What was your next job?

13 A. I think it was the Kaiser Permanente Center for
14 Health Research.

15 Q. When did you go there?

16 A. When?

17 Q. Yes.

18 A. I think it was '90 -- '91 or '92; something like
19 that.

20 Q. How long were you there?

21 A. Two years, I think.

22 Q. Who was your supervisor?

23 A. All these Roses. Let's see. Rose Bright.

24 Q. What was your job there?

25 A. A follow-up specialist.

52

1 Q. And what does that entail?

2 A. It's a research department, so I just followed up on

3 the patient protocol. They were doing a study to

4 see if beta carotene could prevent cancer in

5 patients.

6 Q. What sort of follow-up work would you do?

7 A. Just followed up on their care and asked them

8 specific questions regarding -- some were on

9 placebos and the others were on the study drugs.

10 Q. Did you provide care yourself?

11 A. No. Just followed up on their care.

12 Q. Make sure it was done?

13 A. Ask them specific questions.

14 Q. I see.

15 Why did you leave that job?

16 A. I was laid off due to the budget cuts.

17 Q. And what was your next job?

18 A. Let's see. I just can't remember. I can't

19 remember.

20 Q. All right. What was your job after that?

21 A. After the I can't remember one?

22 Q. Right.

23 A. Can't remember.

24 Q. What is your job now?

25 A. Now I work for Shriners Hospital for Children.

1 Q. Okay. What is your job there?

2 A. I am a radiology clerk.

3 Q. And what do you do in that job?

4 A. Lots of work. I just started. So I develop X-rays,

5 and get X-rays for the doctors ready for the
6 clinics, and that's about it.

7 Q. Do you remember any job between your work at the
8 Kaiser Permanente Center for Health Research and
9 Shriners Hospital?

10 A. Yeah, I just remembered HealthFirst Medical Group.

11 MR. THOMAS: I'm sorry. I didn't catch that.

12 THE WITNESS: HealthFirst Medical Group.

13 Q. BY MR. RANGLES: What did you do there?

14 A. I was a floater. I was an operator. I was a
15 scheduler. I worked in the file room. So I did
16 various duties.

17 Q. About how long did you work there?

18 A. There, I only worked for about, maybe, a month.
19 Because Dad died and I got too stressed out, and I
20 quit.

21 Q. Who was your supervisor at HealthFirst?

22 A. Sandra Eaton.

23 Q. And who was your supervisor at Shriners?

24 A. My supervisor was Sally Charter.

25 Q. Do you remember any other jobs that we haven't

54

1 discussed?

2 A. I can't remember. Sorry.

3 Q. Would you be able to provide more accurate
4 information if you had your resume in front of you?

5 A. I think it's all listed. I think that's it.

6 Q. Do you allow anyone to smoke in your home?

7 A. Pardon me?

8 Q. Do you allow anyone to smoke in your home?
9 A. It's not my home. It's my Mom's home, and I live
10 with her.
11 Q. Have you ever allowed anyone to smoke in any of your
12 prior residences?
13 A. No.
14 Q. Do you allow anyone to smoke in your car?
15 A. No.
16 Q. Has that always been your position --
17 A. Yes.
18 Q. -- that people should not smoke in your car?
19 A. Yes.
20 Q. Why is that?
21 A. Because I don't believe in smoking cigarettes.
22 Q. Do you sit in the nonsmoking section in restaurants?
23 A. Yes, I do.
24 Q. Were your parents ever separated?
25 A. No.

55

1 Q. Did they ever live apart during their marriage?
2 A. Never.
3 Q. Do you know someone named Lynn Williams?
4 A. Glenn Williams?
5 Q. Lynn, L-y-n-n.
6 A. No.
7 Q. Did you know your grandparents on your father's
8 side?
9 A. Yeah, I met them before.
10 Q. Did you see them often?

11 A. They lived in Crockett, Texas. My grandmother came
12 and lived with us for a little bit when Dad was in
13 the hospital.
14 Q. Is your grandmother still alive?
15 A. She is dead.
16 Q. When did she die?
17 A. I don't know. Probably -- I don't know. I can't
18 remember.
19 Q. When you say your father was in the hospital, do you
20 mean with this cancer?
21 A. No. No. Oh, no. When he had his appendix erupted;
22 appendicitis.
23 Q. Do you know what your grandmother died from?
24 A. No, I don't.
25 Q. Do you know what your grandfather died from?

56

1 A. I think he had a heart attack.
2 Q. Were either of them smokers?
3 A. I think my grandfather was, but I'm not sure. I
4 think -- I think Dad said that.
5 Q. Did anyone in the family ever discuss his smoking?
6 A. Whose smoking?
7 Q. Your grandfather's.
8 A. No.
9 Q. What were the names of your father's brothers and
10 sisters?
11 A. Uncle Freddie C., Angeline.
12 MR. THOMAS: I'm sorry. What was that?
13 THE COURT REPORTER: Angeline.

14 MR. GAYLORD: What was the first one?
15 THE WITNESS: Freddie C.
16 Louise, Henry, Uncle Sammy, Uncle Samuel, and
17 Aunt Wanda.
18 Q. BY MR. RANGLES: Are any of them deceased?
19 A. Yes.
20 Q. Which ones?
21 A. Angeline, Aunt Angeline, and Uncle Sammy and Uncle
22 Freddie C. and my dad.
23 Q. What did your Uncle Samuel die from?
24 A. Uncle who? Which one?
25 Q. Did you say "Samuel"?

57

1 A. Uncle Sammy. He died -- he was in the Vietnam War.
2 I guess the helicopter was shot down. I was a
3 little girl, but I can remember a little bit,
4 though.
5 Q. What about your Aunt Angeline?
6 A. She died of a heart attack.
7 Q. Was she a smoker?
8 A. I don't know.
9 Q. What about your Uncle Freddie C. Williams?
10 A. What about him?
11 Q. What did he die from?
12 A. Emphysema; smoking cigarettes.
13 Q. When did he die?
14 A. I don't know. I can't remember. I think it was in
15 the '80s; late '80s, I think.
16 Q. Did the family discuss his emphysema?

17 A. No.
18 What family? His family?
19 Q. You, your father, your mother, did any of you
20 discuss his emphysema?
21 A. No. Just that he died from it.
22 Q. You said emphysema from smoking cigarettes.
23 A. Yeah. I think -- yeah.
24 Q. Why did you say that?
25 A. Because I think that that's what his wife said, I

58

1 think, if I can recall.
2 Q. At the time she said he died from emphysema from
3 smoking cigarettes?
4 A. Yeah. She said that he was a smoker, and he died of
5 emphysema. So that's what I just --
6 Q. That was your understanding then?
7 A. Um-hum. Um-hum.
8 Q. Did your father ever talk about his brother's
9 emphysema?
10 A. No.
11 Q. Has anyone in your family -- I'm talking about your
12 father's side or among your siblings or the
13 grandkids -- had cancer of any type?
14 A. On my father's side, you said?
15 Q. Yes.
16 A. Not that I know of.
17 My father's side or any of us?
18 Q. Right.
19 A. No.
20 Q. Same question about tuberculosis.

21 A. No, not that I know of.
22 Q. Any respiratory problems?
23 A. Asthma.
24 Q. Any type of respiratory problems?
25 A. My sister has asthma.

59

1 Q. Which sister?
2 A. Freda, my youngest sister.
3 Q. When she was growing up, would your father smoke in
4 her presence?
5 A. Yeah.
6 Q. Anyone ever suggest to him he shouldn't?
7 A. No.
8 Q. Does anyone in your family have a family bible or
9 family tree or some sort of family history?
10 A. No.
11 Q. Have you ever seen one?
12 A. A family tree or history? No. Everybody has a
13 bibles, but not just a family -- like you're talking
14 about.
15 Q. Yes, ma'am. I think you understand me.
16 I was talking about one like they have in the
17 front of a bible. They list everybody's children
18 and parents; something like that.
19 A. No. Hum-um.
20 Q. Who is Viola Hill?
21 A. My grandmother.
22 Q. Is she still living?
23 A. No, she is dead.

24 Q. And who is Daniel Hill?

25 A. My granddad.

60

1 Q. Is he still living?

2 A. He is deceased.

3 Q. And those were your mother's parents?

4 A. Yeah. Yes.

5 Q. Who is Laurie Moore?

6 A. Who?

7 Q. Laurie Moore.

8 A. I have no idea.

9 Q. Other than your mother, who were your father's best
10 friends? Who did he spend the most time with?

11 A. He used to spend time with my Uncle Eddie when he
12 was here. And years ago he used to spend time with
13 Leo Adams. That's all I know.

14 Q. Is Mr. Adams still living?

15 A. Yes.

16 Q. Does he live in the Portland area?

17 A. Yes.

18 Q. Do you know where he lives?

19 A. In Southeast Portland.

20 Q. Do you know his address?

21 A. No, it's on Southeast Franklin. About 26th and
22 Franklin, I think.

23 Q. Any other people that you can think of that he liked
24 to socialize with, liked to spend time with?

25 A. No, just his kids.

61

1 Q. Did your father like to fish?
2 A. Yeah.
3 Q. Who would he go fishing with?
4 A. My mom.
5 Q. Did he ever go fishing with anyone else?
6 A. When Uncle Eddie was here, he used to go fishing
7 with Eddie.
8 Q. Was your father a hunter?
9 A. No.
10 Q. Any other outdoor activities, excluding his
11 gardening and fishing, that he liked to do?
12 A. No.
13 Q. That was it?
14 A. Not that I know of. That was it.
15 Q. Your mother mentioned yesterday that he liked to
16 watch sports.
17 Did he go to ball games?
18 A. Yeah.
19 Q. What kind of sports?
20 A. Basketball. He loved basketball.
21 Q. What school or team did he like to go to?
22 A. I don't know. I'm not a sportsman myself, so I
23 don't know.
24 Q. Did he go to basketball games fairly frequently?
25 A. Yeah, he would go a lot.

1 Q. Was he a lifelong basketball fan?
2 A. Yes, he was.

3 Q. Who did he usually go to games with?

4 A. He would take his grandboys, the grandboys, and

5 sometimes my brothers would go with him.

6 Q. Which of the grandchildren went most often with him

7 to the basketball games?

8 A. I don't know. I think he took them like equal. He

9 took turns, I guess. I don't know.

10 Q. Where would he go to the basketball games? Would he

11 go to the schools or --

12 A. No. He'd go to the Coliseum or the Convention

13 Center. Gee, what is it called? They call them the

14 Blazers. The Blazers or something like that.

15 MR. THOMAS: At the Rose Garden?

16 THE WITNESS: Rose Garden, yeah.

17 Q. BY MR. RANGLES: He went to pro basketball games

18 mainly?

19 A. Yeah. Oh --

20 Q. Did he -- excuse me.

21 A. He did go to my son's. My son was on the basketball

22 team.

23 Q. Did he have season tickets, or did he just buy them

24 whenever he wanted to go?

25 A. He just bought them, and my brothers would buy him

63

1 tickets and stuff.

2 Q. Was he a pretty committed Trail Blazers fan?

3 A. Yeah.

4 Q. Did he ever participate in any sports during the

5 time you knew him?

6 A. Participate? Like play them himself?

7 Q. (Nods head.)
8 A. With my brothers he would just shoot a couple hoops.
9 Q. Did he have a basketball goal by his house?
10 A. He used to when we were living at the other house.
11 Q. Any other sports he liked to participate in?
12 A. Not that I know of.
13 Q. Now, yesterday I went through your father's
14 employment history with your mother, and I really
15 don't want to go through it again.
16 A. I wouldn't know it.
17 Q. You wouldn't know it.
18 Your mother would be the person to --
19 A. Yes.
20 Q. -- ask about his employment?
21 A. Exactly, as best as she could remember.
22 Q. Okay. Did you ever meet any of your father's
23 coworkers?
24 A. No. Oh, well, yeah, I'm wrong on that. Coworkers,
25 Mr. Baker, and his son Mark. Because we work for

64

1 them now.
2 Q. Was that -- was that one of the people -- was that
3 the person who was this client that he did the
4 janitorial work for?
5 A. Yes.
6 Q. Did they socialize together ever?
7 A. Not that I know of, no. He just worked for him.
8 Q. Did you know any of his coworkers at the school
9 district?

10 A. No.

11 Q. Did he ever talk to about any of them to you?

12 A. No.

13 Q. Do you know whether your father ever worked with

14 asbestos?

15 A. Not that I know of.

16 Q. Did you ever hear any publicity about asbestos being

17 removed from the Portland public schools?

18 A. About what?

19 Q. Asbestos being removed from Portland public schools?

20 A. No, I never heard about that.

21 Q. Did your father ever bring home chemicals from work?

22 A. No.

23 Q. Did he ever talk about chemicals from work?

24 A. No.

25 Q. When he gardened, did he use fertilizer?

65

1 A. No. The only thing I ever saw Daddy use was bark

2 dust that you put down -- bark dust or sawdust;

3 whatever you call it. I don't know about gardens.

4 You know, the stuff that you put down on the

5 ground?

6 Q. I know what you mean.

7 A. You know what I mean.

8 Q. I don't know what it's called either.

9 Did he ever use pesticides or chemicals on his

10 flowers?

11 A. No.

12 Q. Did your father ever talk about his military days?

13 A. Yeah, sometimes.
14 Q. What would he say about them?
15 A. He would just say, you know -- like he would talk
16 about Japan. He could talk Japanese. And I would
17 ask him to repeat it, and, you know, tell me some
18 things in Japanese. And he would do it.
19 And he told me about one time he got in a fight
20 or somebody kept picking and picking and picking on
21 him, and he had to beat them up.
22 Q. What does he tell you about his military service?
23 A. That's about all. I don't remember.
24 Q. Did he ever talk about any of his buddies from the
25 military?

66

1 A. No. Hum-um.
2 Q. Do you know any of the guys that were there that
3 served with him?
4 A. No.
5 Q. They never came around or had reunions or anything
6 like that?
7 A. No. Not when I was a kid, no.
8 MR. GAYLORD: Let's take a break at some
9 point.
10 (A discussion was held off the record.)
11 (Recess.)
12 MR. GAYLORD: Joann remembered something more,
13 if you want to start with that.
14 THE WITNESS: Can I tell him now?
15 MR. GAYLORD: Go ahead.
16 THE WITNESS: One of the jobs I remember.

17 Q. BY MR. RANGLES: Um-hum.
18 A. It was with Dr. William Baer.
19 Q. Okay.
20 A. And that was before I worked for the Health
21 Department -- I mean --
22 MR. DUMAS: HealthFirst?
23 THE WITNESS: Yeah, HealthFirst Medical Group.
24 Another one I just remembered that just came
25 back to me, Multnomah County Health Department.

67

1 Q. BY MR. RANGLES: When did you work at the Multnomah
2 County Health Department?
3 A. I worked there before -- after Port of Portland.
4 Q. How long did you work there?
5 A. I didn't work there that long. It was a temporary
6 position. I worked there for about, say, about six
7 months.
8 Q. Who was your supervisor there?
9 A. Peggy Hillman.
10 Q. And is Dr. Baer still in practice?
11 A. Yes.
12 Q. Where is his practice?
13 A. I think it's 1130 Northwest 22nd.
14 Q. When did you work for Dr. Baer?
15 A. I worked for Dr. Baer when daddy was diagnosed with
16 cancer. That's when I remember that one.
17 Q. How long did you work for Dr. Baer?
18 A. Oh, I worked for Dr. Baer for about, maybe, a year.
19 Q. And who was your supervisor there?

20 A. Dr. Baer. No. Jennifer Cianni, C-i-a-n-n-i.
21 Q. When you -- earlier you referred to you had taken
22 some nurse's training; is that right?
23 A. Um-hum.
24 Q. Did you complete that course of training?
25 A. Yes.

68

1 Q. Where did you take that training?
2 A. Oh, boy. Care Center East, it was called.
3 Q. And how long was that training?
4 A. I think it was a two-month course.
5 Q. And when did you take that training?
6 A. 1995, I think.
7 Q. What sort of things -- what sort of course of study
8 was that?
9 A. Medical.
10 Q. Did they teach you --
11 A. Medical terminology, anatomy.
12 MR. GAYLORD: Wait for him to finish the
13 question.
14 MR. RANGLES: She did a better job than I would
15 have. That's exactly what I was looking for.
16 Q. BY MR. RANGLES: Have you had any other training
17 courses after you left high school?
18 A. I already said those, the ones that I had.
19 Q. Did your father ever tell you that he believed he
20 was addicted to smoking?
21 A. No.
22 Q. Did you ever hear anyone suggest to your father that
23 he was addicted to smoking?

24 A. No.

25 Q. When do you believe that your father became addicted

69

1 to smoking?

2 MR. GAYLORD: What she presently believes was
3 the time when he became addicted?

4 MR. RANGLES: Right. Right.

5 THE WITNESS: Would you repeat the question.

6 Q. BY MR. RANGLES: When do you believe your father
7 became addicted to smoking?

8 A. When do I believe?

9 Q. Um-hum.

10 A. I don't know. Probably when he first started. Who
11 knows.

12 Q. Was there any point in time when your father was
13 alive that you concluded that he was addicted to
14 smoking?

15 A. I never told him that.

16 Q. Did you ever come to believe that, when he was
17 alive, that he was addicted to smoking?

18 A. I don't -- I wouldn't use the word "addicted,"
19 because I don't know. All I know is that he
20 couldn't stop. That's the best as I can describe
21 it.

22 Q. When he was alive, did you believe that he couldn't
23 stop smoking?

24 A. Yes, because he couldn't.

25 Q. When you encouraged him to quit smoking, did you

1 believe that he could if he tried?

2 A. When I encouraged him?

3 Q. Yes.

4 A. I don't know. All I did is did the best I could.

5 You know, I can't determine what a person believes

6 or not. All I can do is what -- I just kept asking

7 him to stop, you know.

8 Q. To your knowledge, did anyone ever tell your father

9 he was addicted to smoking?

10 MR. GAYLORD: You just asked her that about

11 three minutes ago.

12 MR. RANGLES: I'm sorry. If I did, I

13 apologize.

14 Q. BY MR. RANGLES: Did you ever hear someone say to

15 your father that he was addicted to smoking?

16 A. No.

17 Q. Did you know whether any doctor ever told your

18 father that he was addicted to smoking?

19 A. Not that I know of, no.

20 Q. Did your father keep any scrapbooks or photographs

21 or papers from his army days?

22 A. No.

23 Q. Did your father ever socialize with any of his

24 neighbors?

25 A. "Socializing," meaning?

1 Q. Yes, ma'am.

2 Did he ever go to a basketball game or go

3 fishing with any of his neighbor?

4 A. He was friendly with everyone. He didn't go

5 socializing, I guess.

6 Q. Did he ever have dinner at neighbors' houses?

7 A. Not that I know of.

8 Q. Why do you laugh?

9 A. He was just a friendly person, but he stayed with

10 us, you know, outside in the yard.

11 Q. Did he ever have neighbors over like for a barbecue?

12 A. No.

13 Q. So when you had get-togethers, would they always be

14 with the family?

15 A. Yes.

16 Q. Ever anyone outside of the family -- let me back

17 up.

18 Did he ever invite anyone outside of the family

19 to any of those get-togethers?

20 A. Not that I can remember.

21 Q. Do you remember anyone outside of the family ever

22 showing up at those family gatherings or barbecues

23 or anything like that?

24 A. No.

25 Q. Did you ever visit Mr. Williams' home where he grew

72

1 up down in Crockett, Texas?

2 A. Yes.

3 Q. When did you do that?

4 A. I was 14, so whenever that was.

5 Q. Did the whole family go down?

6 A. Yes.

7 Q. Did he live on a farm in Crockett, Texas?

8 A. There was no farm when I went there, but I think he

9 did grow up on a farm. But when I went down there

10 it was more modern, I guess, modernized.

11 Q. When he was in Crockett, Texas, did he live near any

12 utilities or oil wells or anything like that?

13 A. No.

14 Q. Did your father ever live near any industrial areas,

15 refineries, factories, power plants?

16 A. Not that I know of.

17 Q. Other than gardening, did your father have any

18 hobbies at home? For example, did he make things?

19 A. No.

20 Q. Other than the Jehovah's Witness church and his

21 union, did your father belong to any other

22 organization?

23 A. It's not a church. It's Jehovah's Witnesses.

24 It's -- we're not a church. And, no.

25 Q. Okay. Did your father ever gamble?

73

1 A. I think he played the -- what do you do? -- those

2 little tickets.

3 Q. The lottery?

4 A. Yeah.

5 Q. Any other form of gambling that you know of?

6 A. Not that I know of.

7 Q. Did he ever come to the Multnomah County Kennel

8 Club?

9 A. I don't know. He might have. I don't think so. He

10 might have. I don't know.

11 Q. Other than what we've already talked about, were

12 there any other places that your father liked to go

13 that we've not already discussed?

14 A. No.

15 Q. Do you know when your father began smoking?

16 A. Yes; before I was born.

17 Q. Do you know when, in terms of his life, he began

18 smoking?

19 A. Daddy said he started smoking -- that the Army gave

20 him cigarettes, that he started smoking when he was

21 in the army. He was 18.

22 Q. Did he say something about smoking to keep

23 mosquitoes away?

24 A. Yes.

25 Q. Did he ever say why he started smoking other than to

74

1 keep the mosquitoes away?

2 A. They gave it to them in the Army to keep the

3 mosquitoes off the guys when they're in the field.

4 Q. Did he ever mention any other reasons?

5 A. Nope. They did the same thing to his brother.

6 Q. What brands did your father smoke?

7 A. Marlboro and -- Marlboro is what I remember.

8 Q. What year were you born?

9 A. '55.

10 Q. '55.

11 A. A long time ago.

12 Q. Not long at all.

13 What is your earliest memory of -- about how
14 old were you when you first remember seeing your
15 father smoke?
16 A. When I was a baby, I think. When I was a little
17 girl.
18 Q. You remember him smoking from your earliest memory?
19 A. Yes.
20 Q. Is Marlboro the brand you remember him smoking?
21 A. Yes, it is.
22 Q. What color pack were his cigarettes in?
23 A. It was red and white. I'll always remember that.
24 Q. Did he ever change brands?
25 A. No, not that I can remember, never.

75

1 Q. Did he ever buy a different type of Marlboro in a
2 different color package?
3 A. I don't know. Alls I know is I can remember the
4 boxes that him and mom used to get all the time.
5 And that's all I can remember on that.
6 Q. So the only brand you can recall your father smoking
7 is Marlboro; is that correct?
8 A. Um-hum.
9 Q. Do you ever remember him trying other types of
10 cigarettes?
11 A. No.
12 Q. Do you ever remember him switching to low-tar or
13 low-nicotine cigarettes?
14 A. No.
15 Q. Did he ever say why he picked the Marlboro brand
16 over other brands?

17 A. No.
18 Q. Do you have any idea why he did?
19 A. Probably liked them. People do something if they
20 like something, I guess. They pick the one they
21 like.
22 Q. Was your father a loyal brand-user of most products?
23 A. You mean -- state it again.
24 Q. What I mean is this -- and maybe I'll use this as an
25 example: Did your father, for example, have a

76

1 certain manufacturer of car he liked to drive and
2 stick with that name? Ford man or a Chevy man or
3 something like that?
4 A. Yes.
5 Q. Which one was it?
6 A. As far as cars?
7 Q. Yes, ma'am.
8 A. I think Daddy liked the -- he like the Ford, but he
9 also liked the -- he loves Fords. I can't think of
10 the last one he just had. I can't even think.
11 Sorry.
12 Q. When you grew up, did your father usually have a
13 Ford?
14 A. Um-hum.
15 Q. Did he ever talk about why he liked Fords better
16 than other cars?
17 A. Yeah. He said they were good models. He thought
18 that was the best model. I can't think of the car
19 he just had, but he liked that, too. I just can't

20 even think. I'm so sorry.
21 Q. That's all right.
22 Is he sort of by nature loyal to other brands
23 as well, other products? Brands of clothes that he
24 liked to buy, that he tended to buy year in and year
25 out?

77

1 A. He liked to stick to the same thing. He is
2 the-same-thing type man.
3 Do you know what I mean?
4 Q. You answered the question better than I asked it.
5 That is exactly what I was asking.
6 A. Okay.
7 Q. Once he found something he liked, he would stick
8 with it; is that right?
9 A. Yeah.
10 Q. How much did he smoke per day?
11 A. Too much. To go ahead and answer the question, he
12 smoked three to four packs a day.
13 Q. Was that amount constant over the years?
14 A. No, he didn't used to. A long time ago he didn't
15 smoke as much until, you know, probably just since
16 the '60s and '70s. He just smoked and smoked and
17 smoked and smoked until this.
18 Q. Was your father the kind of smoker who would light
19 one cigarette off the end of another cigarette?
20 A. Thank you. You answered the question. He would --
21 before he finished one, he's getting to the next
22 one. You know?
23 Q. Um-hum. Would he smoke his cigarettes all the way

24 down to the filter?

25 A. (Nods head.)

78

1 MR. GAYLORD: You have to answer verbally.

2 THE WITNESS: Oh, yes. Every drop of the
3 stuff.

4 Q. BY MR. RANGLES: Were there places where he would
5 not smoke?

6 A. Well, I guess so with anybody if they see a "No
7 Smoking" sign up there, you can't smoke there.

8 Q. When he took your mother out to restaurants would
9 they sit in the no-smoking section?

10 A. Yes. But he had to go into -- actually he had to go
11 sit, if he had to smoke, he had to go into the
12 smoking area.

13 Q. Would he smoke in the house?

14 A. At first he started smoking in the house.

15 Q. Did that change?

16 A. Yes.

17 Q. About when did that change?

18 A. I'm not sure. I think about -- I'm not sure on
19 that. I'd have to guess on that.

20 MR. GAYLORD: Don't guess.

21 Q. BY MR. RANGLES: Did there come a time --

22 MR. GAYLORD: I'm telling you, don't guess. Do
23 the best you can to answer the question, but don't
24 guess.

25 THE WITNESS: I'd be guessing.

- 1 Q. BY MR. RANGLES: Did there come a time when he
2 wouldn't smoke in the house?
- 3 A. Yes.
- 4 Q. What would he do when he wanted to smoke?
- 5 A. Smoke outside.
- 6 Q. Whose idea was it for him not to smoke in the house?
- 7 A. I think it was him and my mom's both.
- 8 Q. Did she encourage him to smoke outside if he was
9 going to smoke?
- 10 A. Dad knew it would bother mom, you see, so he
11 would -- he did.
- 12 Q. Okay. When he -- you said that after he was
13 disfellowshipped he would occasionally attend
14 Jehovah's Witnesses services; is that right?
- 15 A. Um-hum.
- 16 Q. Would he smoke at church?
- 17 A. No.
- 18 Q. Would he smoke on the church grounds?
- 19 A. No.
- 20 Q. Were all of the cigarettes you recall seeing your
21 father smoke filtered?
- 22 A. Yeah.
- 23 Q. Did he ever try menthol cigarettes?
- 24 A. I don't remember that, so I don't know.
- 25 Q. It would be some version of a green pack, probably.

- 1 A. No. No.
- 2 Q. Okay. Where did Mr. Williams purchase his

3 cigarettes?

4 A. Fred Meyer's.

5 Q. Did he ever purchase them anywhere else that you

6 knew off?

7 A. No, not that I know of.

8 Q. Did you ever purchase cigarettes for your father?

9 A. Absolutely not.

10 Q. Did anyone besides your father -- and she testified

11 in the early years your mother purchased cigarettes

12 for him.

13 A. My mom did.

14 Q. Anyone besides your father or your mother?

15 A. Not that I know of, no.

16 Q. Did your father ever use any other form of tobacco;

17 chewing tobacco, pipes, or cigars?

18 A. No.

19 Q. Did your father ever share his cigarettes with any

20 of his children that smoked?

21 A. Did he what?

22 Q. Share his cigarettes with his children that smoked?

23 A. No.

24 Q. Did he disapprove of his children smoking?

25 A. I answered that already, but I'll answer it again.

81

1 Q. I believe I asked you what he told them when they

2 were growing up. Now, I'm asking just as a general

3 principle.

4 A. Okay.

5 No, he didn't approve of smoking.

6 Q. Once they were grown, did he still discourage them
7 from smoking?
8 A. Say that again.
9 Q. Once his children had grown up, did he still
10 discourage them from smoking?
11 A. Yes, he did.
12 Q. What would he say to them?
13 A. It's a bad habit. It's a bad thing to do, you
14 know. He didn't -- it's bad for you.
15 Q. Did your father enjoy smoking?
16 A. No, he didn't.
17 Q. What did he say about it?
18 A. He always said he wished he could stop.
19 Q. When do you first remember your father trying to cut
20 down or quit smoking?
21 A. When?
22 Q. When.
23 A. Lots of times.
24 Q. When is the earliest you can remember him trying to
25 quit or cut down on smoking?

82

1 A. Mainly in the '70s, I think.
2 MR. THOMAS: I didn't get that.
3 THE COURT REPORTER: "Mainly in the '70s, I
4 think."
5 THE WITNESS: Did you get it?
6 THE COURT REPORTER: I got it.
7 Q. BY MR. RANGLES: Did he first start trying to quit
8 smoking seriously when the church started teaching
9 that people that smoked couldn't be members?

10 A. Say the question again, please.

11 Q. BY MR. RANGLES: Did your father first start trying
12 to quit smoking seriously at the time the church
13 began or the Jehovah's Witness organization began to
14 teach that smokers couldn't be members?

15 A. Yes.

16 Q. At that time, did you talk to him about his attempts
17 to quit smoking?

18 A. No.

19 Q. Do you recall hearing conversations that your father
20 had with anyone about his attempts to quit smoking
21 at that time?

22 A. With my mom.

23 Q. And what did he say were the reasons that he wanted
24 to quit smoking?

25 A. Because he can't have Jehovah anymore, you know,

83

1 and -- (Witness crying.) And that's about it.

2 Can you repeat the question again?

3 (A discussion was held off the record.)

4 Q. BY MR. RANGLES: What were the reasons that he gave
5 at that time for trying to quit smoking?

6 A. For trying to quit smoking? Because he knew that he
7 could not any longer associate with us as a family,
8 you know, like spiritually with the congregation and
9 mainly to serve Jehovah, and he knew that.

10 Q. What steps did he take to quit smoking at that time?

11 A. He was -- he used whatever was available, you know,
12 like patches, and gum and everything. Even -- what

13 do you call it? -- go cold turkey. He tried that,
14 sweating it out for days.
15 Q. Did he ever throw out all his cigarettes and
16 ashtrays and matches and that sort of thing?
17 A. No.
18 Q. Did there ever come a time when he successfully quit
19 smoking?
20 A. I think one time maybe for two days.
21 Q. Was he ever advised by a physician or any
22 health-care professional to quit smoking?
23 A. Yes.
24 Q. When was the first time, to your knowledge, he was
25 advised by a physician or health-care professional

84

1 to quit smoking?
2 A. I don't know exactly when that is. I don't remember
3 the dates.
4 Q. Would it have been in the 1970s?
5 A. I don't -- I don't remember. I don't think so.
6 Maybe more so like the '80s, maybe. Maybe the
7 '90s. I'm not sure.
8 Q. What did he tell you during whatever time it was
9 that the doctor told him about the need to quit
10 smoking?
11 A. It was bad for his health.
12 Q. And did he believe the doctor?
13 A. I don't think so.
14 Q. When did your father first develop a cough from
15 smoking?
16 MR. GAYLORD: I'll object to the form of the

17 question.

18 THE WITNESS: I can't remember. I'm sorry.

19 Q. BY MR. RANGLES: Was it in the '70s?

20 A. I can't remember.

21 Q. Would it have been before or after the '70s, if you
22 can remember?

23 MR. GAYLORD: I'm going to object to this line
24 of questioning. I'll let her answer. To the extent
25 it implies she knows a medical causation answer,

85

1 that's the basis for my objection. If you're
2 asking, "When did he develop a cough?" I think
3 that's a separate question.

4 MR. RANGLES: All right. Let's start with
5 that.

6 Q. BY MR. RANGLES: When did he develop a cough?

7 A. I can't remember.

8 Q. Do you remember what decade it was in?

9 A. Oh, boy. A long time. I just don't remember the
10 dates. It was a decade. I'm sorry.

11 Q. Did he have a cough for a long time?

12 A. Yes.

13 Q. Did you ever hear anyone say his cough was due to
14 his smoking?

15 A. I don't recall. I can't really remember if I have
16 or not.

17 Q. Did your father have problems with bronchitis?

18 A. Yes.

19 Q. Do you remember how far back those problems went?

20 A. A long time. Probably the '80s or sometime around
21 there.
22 Q. Did anyone ever tell your father that his bronchitis
23 was caused by smoking?
24 A. The doctor told him that, I do believe. I think
25 that's what he said.

86

1 Q. Did your father ever say he didn't believe the
2 doctors?
3 A. Well, he never said it to me. I don't know if he
4 said it to anyone else.
5 Q. How did your father feel during the periods of time
6 that he tried to quit or cut down on smoking?
7 A. How did he feel when he tried to stop?
8 Q. Yes, ma'am.
9 A. He felt real bad. I mean, you know, he felt
10 horrible.
11 Q. In what ways did he feel bad?
12 A. That he would try and it -- he just couldn't do it.
13 Q. Did he have any physical problems when he would try
14 to quit smoking?
15 A. When he would -- like what do you mean?
16 Q. Did your father have trouble sleeping when he tried
17 to quit smoking?
18 A. I don't know. I didn't live with him.
19 Q. Was he more nervous or more irritable when he tried
20 to quit smoking?
21 A. That he was.
22 Q. Were there any other behavior changes you noticed

23 besides irritability or nervousness when he tried to
24 quit smoking?
25 A. He was kind of cranky and mean.

87

1 Q. Anything else?
2 A. No, that's all I can remember.
3 Q. Would you describe your father as an intelligent
4 person?
5 A. Definitely.
6 Q. I think you mentioned earlier that he could speak
7 some Japanese.
8 A. Um-hum.
9 Q. Was your father a well-read person?
10 A. Meaning?
11 Q. Did he read often? Did he like to read?
12 A. Yeah.
13 Q. Did he regularly read the newspaper?
14 A. Yes.
15 Q. Did he -- which newspaper did he like to read?
16 A. He read The Oregonian. He read the Scanner. And as
17 far as I know, those were the newspapers, anyway.
18 Q. Is the Scanner a weekly newspaper or a daily
19 newspaper?
20 A. I think it's -- do you guys know when the Scanner
21 comes out? -- weekly or something.
22 MR. GAYLORD: Do the best you can. Tell him
23 whatever you know.
24 MR. DUMAS: We'll take Mr. Gaylord's deposition
25 a little later. Unfortunately, your lawyers can't

1 testify today.

2 Q. BY MR. RANGLES: You don't know if it came out daily

3 or not?

4 A. I think it's a weekly magazine or newspaper. It's a

5 black-only newspaper.

6 Q. Would your father basically read The Oregonian every

7 day?

8 A. Yes, pretty much, off and on.

9 Q. Was he the kind of person that would sit down with a

10 cup of coffee and a cigarette or whatever and

11 basically read the paper front to back?

12 A. He did.

13 Q. Did he read the Scanner pretty much front to back?

14 A. Actually, I don't know if he read the newspaper

15 front to back. I just know he sat there with the

16 newspaper, cigarette in one hand and coffee in the

17 other.

18 Q. But he regularly read the paper?

19 A. Oh, yeah.

20 Q. He liked to read the paper?

21 A. Yes.

22 Q. What magazines do you recall your father reading --

23 I started to ask you in the 1950s, but that probably

24 wouldn't work.

25 Starting with the 1960s, what magazines do you

1 recall your father reading?

2 A. I don't know what he read in the '60s. I can't

3 remember that far back.

4 Q. Did you remember in the 1970s?

5 A. Yeah. He read the Reader's Digest. He read the

6 sports -- let's see. I think that was in the 80s.

7 He started reading Sports Illustrated in the '80s,

8 for that. And then he read the Wildlife Fish --

9 Wildlife, I think it is.

10 Q. Fish & Stream maybe?

11 A. I don't know what the name is.

12 Q. Well, one of those wildlife magazines?

13 A. Yeah.

14 Q. Any other magazines that you recall him reading in

15 the '70s?

16 A. No.

17 Q. What magazines do you recall him reading in the

18 1980s?

19 A. The ones I just mentioned.

20 Q. Reader's Digest, the Wildlife magazine, and Sports

21 Illustrated?

22 A. Um-hum.

23 Q. Any others?

24 A. Oh, he would read the Jet magazine.

25 Q. And did he read the same magazines that we just

90

1 talked about in the '90s as well?

2 A. Yes.

3 Q. Did he add any magazines in the '90s to that group?

4 A. He liked one thing, and that's what he read. That's
5 what he does.
6 Q. He'd stick with it when he found one he liked?
7 A. Yeah. Yeah.
8 Q. Did he ever read the New Yorker?
9 A. No.
10 Q. Did he ever read Forbes?
11 A. What?
12 Q. Forbes.
13 A. Never heard of that.
14 Q. Did he read books, novels, or nonfiction books?
15 A. No, he wasn't a novel man.
16 Q. Did he -- what kind of television shows did your
17 father like?
18 A. Sports.
19 Q. Sports.
20 Did he watch the evening news as well?
21 A. Yeah, he watched the evening news. And he also
22 liked cowboy movies.
23 Q. John Wayne?
24 A. Yep.
25 Q. Your father was born and raised in Texas. That

91

1 would make some sense.
2 Did he listen to the radio in his car?
3 A. Yeah.
4 Q. What station did he like?
5 A. I don't know.
6 Q. Do you know the format? Was it country music or

7 rock music or talk or something else?

8 A. I think he listened to Z-100, I think. And I don't

9 know. They have a variety of music on it, you

10 know.

11 Q. All right. Would you describe your father as

12 well-informed about current events?

13 A. I guess.

14 Q. Was your father a member of the Boy Scouts when he

15 grew up?

16 A. No.

17 Q. Was he a member of any youth organizations that he

18 ever mentioned?

19 A. No.

20 Q. Did he play any sports in high school?

21 A. I don't know.

22 Q. Was he a member of any veteran's organizations?

23 A. No.

24 Q. Did he ever participate in any veteran's meetings or

25 anything like that?

92

1 A. No.

2 Q. Did his attitude toward the military change after he

3 became a Jehovah's Witness?

4 A. He never spoke on it, so I don't know.

5 Q. Other than the conversations you mentioned earlier

6 with your brothers and sisters about their smoking,

7 did your father ever have any conversations with

8 family members or friends when you were around about

9 the health risks of smoking?

10 A. No.

11 Q. Did you ever talk to your father about the warnings
12 that were on the packs of cigarettes?

13 A. No.

14 Q. Did you ever hear him talk to anyone about the
15 warnings that were on the packs of cigarettes?

16 A. No.

17 Q. Did you hear anyone ever in his presence talk about
18 the warnings on the packages of cigarettes?

19 A. No.

20 Q. Did anyone in your household ever receive any
21 literature from the American Cancer Society or the
22 American Lung Association about the risk of smoking?

23 A. No.

24 Q. Or from any other source?

25 A. No, not that I know of.

93

1 Q. Did Mr. Williams ever collect money or contribute
2 money to the American Cancer Society or the American
3 Lung Association?

4 A. No, not that I know of.

5 Q. Do you ever remember watching the anti-smoking
6 commercials that were on television in the early
7 1970s?

8 A. Do I remember?

9 Q. Yes.

10 A. I didn't keep up with that.

11 Q. It was showing people throwing away packs of
12 cigarettes, leaping up in the air, clicking their

13 heels and saying, "Kick the habit."
14 Do you remember seeing any of those?
15 A. I might have. I don't remember.
16 Q. Did you ever hear your father use the terms "coffin
17 nail" or "cancer stick" about cigarettes?
18 A. No.
19 Q. Did you ever hear anyone use those terms in his
20 presence?
21 A. No.
22 Q. Did your father ever talk to you about any
23 statements that he had heard in the media about
24 smoking?
25 A. No, not that I can recall.

94

1 Q. Did he ever point out or refer to any statements
2 made about smoking by anyone in your presence?
3 A. No.
4 Q. How was your father's health before his diagnosis?
5 A. Good.
6 Q. Did he have a problem with bronchitis when you were
7 growing up?
8 A. I don't know.
9 Q. Did he have his cough when you were growing up?
10 A. I think he might have.
11 Q. Now, your mother mentioned his problems with his
12 appendix and perhaps a follow-up operation regarding
13 his appendix.
14 Do you recall any other hospitalizations that
15 your father went through before his diagnosis?

16 A. No, just the ones that mom mentioned. That was it.
17 Q. Other than his cough and his bronchitis and his
18 problems with his -- related to his appendix, did
19 your father have any other health problems before
20 his diagnosis --
21 A. No.
22 Q. -- that you were aware of?
23 A. No. Daddy was always in good health.
24 Q. Did your father ever have physical therapy for
25 injuries?

95

1 A. I don't know.
2 Q. Not that you know of?
3 A. Not that I know of.
4 Q. Do you know if your father ever had trouble
5 sleeping?
6 A. No, I don't think he did.
7 Q. Did he ever take sleeping pills?
8 A. Not that I know of.
9 Q. Did your father ever regularly take any kind of
10 medicine?
11 A. No, Daddy didn't. He was always in good health.
12 The only time he took the medicines is when he had
13 that cancer, lung cancer.
14 Q. So other than maybe some prescriptions for a cold or
15 cough or bronchitis for a short period of time --
16 A. Right.
17 Q. -- he didn't take any medicines, really; is that
18 right?

19 A. That's correct.
20 Q. Again, I'm talking about before the diagnosis.
21 Did he ever have --
22 A. Did you say "before the diagnosis"?
23 Q. Before the diagnosis, yes.
24 Is that right?
25 A. Repeat the question again.

96

1 Q. Okay. Before his diagnosis, other than medicines
2 that we would all take with a temporary cold or flu
3 or something like that, he didn't take any medicines
4 regularly before his diagnosis?
5 A. No. Actually, I have never seen Daddy take a cold
6 medicine in my life, so --
7 Q. What did your father think about doctors?
8 A. Do I know?
9 Q. Well, was he the kind of person that was sort of
10 against doctors, that wouldn't go unless he
11 absolutely had to?
12 A. I don't know.
13 Q. He never talked to you about his view about doctors
14 one way or the other?
15 A. No.
16 Q. Was your father the kind of person who sort of kept
17 to himself?
18 A. Yes.
19 Q. Did your father -- would you describe your father as
20 a talkative person or a quiet person?
21 A. Quiet.

22 Q. Was your father the kind of person to tell you what
23 was on his mind or what he was thinking, or would he
24 be more likely to keep it to himself?
25 A. He would more likely keep it to his self.

97

1 Q. Again, these questions are all before the
2 diagnosis.
3 Did your father ever have any problems with
4 high blood pressure?
5 A. No.
6 Q. Do you know whether he ever had elevated cholesterol
7 levels?
8 A. Never.
9 Q. Do you know if he ever had abnormal blood tests?
10 A. Never.
11 Q. Ever have problems with his liver?
12 A. Never.
13 Q. Was he ever -- again before the diagnosis -- tested
14 for cancer?
15 A. Was he ever?
16 Q. Yes.
17 Before the testing that led to his diagnosis,
18 was he ever tested before that for tumors or
19 growths?
20 A. No, not that I know of at all.
21 Q. How was your father's dental health?
22 A. He didn't have any -- he had false teeth.
23 Q. Did he have a full set of false teeth?
24 A. I think so. Cigarettes rotted his teeth out.

25 Q. When did he have his teeth pulled?

98

1 A. I don't know. Sorry.

2 Q. Before his diagnosis did your father ever have any
3 other medical conditions or health problems that we
4 haven't talked about?

5 A. Before the diagnosis?

6 Q. Yes, ma'am.

7 A. The only one, like I said, was the appendicitis, and
8 that's it.

9 Q. As far as you know, was the only time that your
10 father was ever hospitalized before his diagnosis
11 for the appendicitis problems that he had?

12 A. Repeat the question. I'm sorry.

13 Q. As far as you know before his diagnosis, was the
14 only time your father was ever hospitalized were the
15 times related to his appendix problems?

16 A. Yes.

17 Q. Did he ever tell you whether he had health problems
18 in the Army that required medical treatment?

19 A. Something was wrong with his foot, frozen foot or
20 something like that he got in the Army.

21 Q. Where did that happen to him?

22 A. I think when he was in Korea.

23 Q. And did he ever mention any other problems?

24 A. Never.

25 Q. Do you know whether your father was ever tested for

1 tuberculosis?

2 A. I don't know if he was or not.

3 Q. Do you know the names of any doctors your father saw

4 before he was diagnosed with lung cancer?

5 A. Before he was diagnosed? No, I do not.

6 Q. Your mother provided us with a list of those

7 yesterday.

8 Would she be the person --

9 A. Yes.

10 Q. -- in the best position to know?

11 A. Yes.

12 Q. Do you know who your father's eye doctor was?

13 A. Nope.

14 MR. RANGLES: Let's go off the record.

15 (A discussion was held off the record.)

16 (Lunch recess.)

17

18

19

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21

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25

1 (Returned from lunch recess, 1:16 p.m.)

2 (All are present that were previously present.)
3
4 Q. BY MR. RANGLES: Do you know the name of your
5 father's dentist?
6 A. (No response.)
7 Q. Mrs. Williams?
8 A. Hum?
9 Q. Do you know the name of your father's dentist?
10 A. No, I don't.
11 Q. What kinds of foods did your father like to eat?
12 A. Various. He likes meats more so.
13 Q. Did he like Mexican food?
14 A. Not really.
15 Q. Italian food?
16 A. He liked steaks.
17 Q. Steaks.
18 A. He loved steaks.
19 Q. Did he eat steak pretty often?
20 A. Yeah, he was a steak lover.
21 Q. What kind of side dishes did he like with his steak?
22 A. Salads. He liked greens and salads. He is a very
23 good cook; was.
24 Q. Did he do a lot of the cooking?
25 A. Yeah, he did a lot of the cooking.

101

1 Q. When he was home and your mother was home, who was
2 more likely to do the cooking?
3 A. Dad cooked more.
4 Q. Did your father like fried foods?

5 A. Sometimes. Not too much.

6 Q. Did your father ever have a weight problem? By that

7 I mean, did any doctor tell him that he need to lose

8 weight?

9 A. No, never. He was a slim man all his life.

10 Q. Was he ever put on any special diets by any doctors

11 for any reason?

12 A. No.

13 Q. Did he eat much junk food?

14 A. No.

15 Q. Did he like smoked or charcoaled meats?

16 A. On occasions.

17 Q. Did he barbecue often?

18 A. On occasions.

19 Q. Did he like to barbecue?

20 A. When he did it, I guess. I can't ask him now, so I

21 don't know.

22 Q. Was your father a coffee drinker?

23 A. Yeah.

24 Q. Was he a heavy coffee drinker?

25 A. Yeah, he drank coffee. Not heavily, but --

102

1 Q. Was he the kind of person who would drink coffee

2 throughout the day?

3 A. No. When he just goes out and would have his smokes

4 at the restaurant he would drink coffee.

5 Q. Was he the kind of person who would drink coffee

6 during the morning and then switch to some other

7 kind of beverage in the afternoon?

8 A. I never seen him drink any other beverage, no.
9 Q. Was coffee his favorite drink?
10 A. Well, no. I might be wrong. He liked pop, sodas
11 sometimes.
12 Q. Did he drink the regular sodas or the diet sodas?
13 A. Regular like Slice. He liked the Slice.
14 Q. Other than his job, did Mr. Williams regularly
15 exercise?
16 A. No. He just -- in the yard, when he was in the
17 yard. I guess that's exercise.
18 Q. Did he ever jog or anything like that?
19 A. Him and mom used to go on walks sometimes.
20 Q. Did Mr. Williams drink alcoholic beverages?
21 A. Just on occasions.
22 Q. What kind of alcoholic beverages did he like?
23 A. Oh, Bloody Mary. He loved that drink.
24 Q. That was his favorite?
25 A. Yeah.

103

1 Q. Was he ever a beer drinker?
2 A. No.
3 Q. Did he drink on a daily basis?
4 A. Drink what?
5 Q. Alcohol.
6 A. No. Nope. Occasional drinker.
7 Q. Was there ever a time in his life he drank more
8 frequently than occasionally?
9 A. Drank what?
10 Q. Alcoholic beverages.

11 A. No. Not that I know of, no.

12 Q. Would you describe your father as a nervous kind of

13 a person or a relaxed kind of person?

14 A. Very calm, very relaxed person.

15 Q. Easygoing by nature?

16 A. Yeah.

17 Q. Were there periods in his life when he was under

18 particularly heavy stress?

19 A. Yes.

20 Q. What periods would those be?

21 A. When he was told that he had cancer, because of his

22 cigarette smoke, because he trusted in the tobacco

23 companies. He never thought that this could happen

24 to him. He had a lot of faith in them and then,

25 bam, he's got the cancer caused by the cigarettes,

104

1 and there it is. He was just so disappointed.

2 Q. Before his diagnosis, did he have any other

3 particularly stressful times in his life?

4 A. No.

5 Q. No deaths in the family that bothered him?

6 A. Well, yeah. I guess a little bit. But it didn't

7 bother him as much, because he wasn't close to his

8 brothers and sisters. When Angeline died he was,

9 you know, he was a little bit upset about that. And

10 when Uncle Freddie and Sammy died, sure.

11 Q. Did he ever have problems with his children that

12 would cause him stress?

13 A. I'm sure he did.

14 Q. Did Mr. Williams ever visit a psychiatrist or
15 psychologist?
16 A. Not that I know of.
17 Q. Did Mr. Williams ever go to marriage counseling?
18 A. No.
19 Q. How did you first become aware that your father had
20 lung cancer?
21 A. How was I aware of it.
22 Q. (Nods head.)
23 A. Because I went to the doctor with him and my mom.
24 Q. When they --
25 A. When they told him.

105

1 Q. When they told him you were with your folks?
2 A. Yes.
3 Q. Was anyone with you and your parents when the doctor
4 told you?
5 A. My sister Freda.
6 Q. Any one else?
7 A. (Shakes head.)
8 MR. GAYLORD: You have to answer out loud for
9 the reporter.
10 THE WITNESS: I'm sorry. No.
11 Q. BY MR. RANGLES: Did any of the doctors express a
12 view as to what caused his lung cancer?
13 A. Yes.
14 Q. What doctors?
15 A. Dr. Turner, Dr. Segal.
16 Q. Any others?

17 A. Not when I was -- no, those two doctors when I was
18 present.
19 Q. What did Dr. Turner say?
20 A. He said that Dad has cancer due to tobacco smoke.
21 Q. Did he say anything else about that?
22 A. And he showed us that he had emphysema. He showed
23 us on the X-ray. He said it was caused by tobacco
24 smoke, and that he has cancer now from the tobacco
25 smoke.

106

1 Q. What did Dr. Segal say?
2 A. Same thing. He said that Dad had cancer due to the
3 tobacco smoke.
4 Q. Did you talk to any other doctors about the cause of
5 your father's cancer?
6 A. Did I?
7 Q. Yes.
8 A. No, sir.
9 Q. Did you hear about any conversations that anyone in
10 your family had with any other doctors about the
11 cause of your father's cancer?
12 A. No.
13 Q. After -- did you move back in with your parents
14 after you found out your father had lung cancer?
15 A. Yes.
16 Q. Did you move back in to help your mother care for
17 your father?
18 A. Yes.
19 Q. And you have continued to live with your mother ever

20 since then, correct?

21 A. Yes.

22 Q. When did your father stop working?

23 A. He never stopped working.

24 Q. Well, did he stop working at any point before he

25 died?

107

1 A. No. He worked -- up to the day he died he was

2 working. I went with him. He died at home.

3 Q. And he was working at that time in his personal

4 custodial business?

5 A. Right.

6 Q. Did your father ever say why he retired from the

7 school system?

8 A. No. I don't know.

9 Q. You indicated you went with him.

10 Did you help him in his custodial work after

11 you moved back in with your parents?

12 A. Yes. He was too sick. He was sick. He was weak.

13 But we would go in and help him. Still he didn't

14 want us to, but we did anyway.

15 Q. You said "we."

16 Who else did that?

17 A. Me and my sister Freda. And the other kids, if

18 they -- if Dad needed them, they would go.

19 Q. Did you and your sister Freda regularly help him

20 after his diagnosis?

21 A. He didn't want us to, but on occasions we did.

22 Q. What are the names of the doctors who treated

23 Mr. Williams for his cancer that you know of?
24 A. The two I mentioned, and Dr. Kerns, I think. Yeah.
25 That's the ones I know of.

108

1 Q. What hospitals do you know of that provided
2 treatment for your father during his cancer?
3 A. Let me see. What is the name? He went to Emanuel.
4 Yeah, Emanuel. And also HealthFirst -- let me
5 think. Oh, gosh. I can't even think. Yeah,
6 HealthFirst Medical Group and Emanuel.
7 Q. Any others that you know of?
8 A. No.
9 Q. Was there any talk in the family, and I'm excluding
10 here any conversation that you would have had with
11 counsel, regarding whether or not to have an autopsy
12 performed on your father?
13 A. Never.
14 Q. Excluding counsel, did you talk to anyone about that
15 subject?
16 A. Never.
17 Q. Did anyone, to your knowledge, discuss having an
18 autopsy?
19 A. Never.
20 MR. GAYLORD: Excluding any lawyers?
21 MR. RANGLES: Of course.
22 Q. BY MR. RANGLES: As we said yesterday and I want to
23 make it clear today, any questions I ask you are
24 excluding conversations you had with counsel.
25 All right?

1 A. Okay.

2 Q. And if you have a question about that, please, we'll
3 take a pause and you can confer with your counsel.

4 Who attended your father's funeral?

5 A. My brothers and sisters; a few of my cousins; my
6 ex-husband; Mark -- Mark Baker. Mr. Baker's son, he
7 came up there, Bernice Adams. Probably more people,
8 but, you know, I can't remember that because it was
9 really a bad time for me.

10 Q. Of course.

11 Who is Bernice Adams?

12 A. It's mom and dad's -- Leo Adams and Bernice Adams.
13 Dad's good friend. And Bernice is my mom's friend;
14 family friends.

15 Q. And I think you provided us with the Adams' address
16 earlier today; is that right?

17 A. Not the whole address, but what I remember, the
18 street name.

19 Q. Do you remember which cousins attended the funeral?

20 A. Patricia and Teresa did. I can't remember who
21 else. Probably some more, but I really can't -- oh,
22 my sons and my nieces and nephews were there. My
23 brain --

24 Q. Was there a book or record at the funeral service
25 where people signed in?

1 A. No, because it was like -- we just didn't have -- we
2 just had them view the body.
3 Q. So there wasn't like a book that people signed when
4 they came in?
5 A. (Shakes head.) There wasn't a book. No book.
6 Q. Before this litigation have you ever been involved
7 in a lawsuit before?
8 A. I'm sure I have.
9 Q. What lawsuits have you been involved in?
10 A. I don't know if they are lawsuits, I guess you'd
11 call them. I don't know what you call them.
12 Workmens' Comp. and an auto accident.
13 Q. Okay. Let's talk about Workers' Comp.
14 How many Workers' Comp. claims have you filed?
15 A. Probably about three, I think.
16 Q. All right. Starting with the first one, when was it
17 and for whom were you working at the time?
18 A. Oh, goodness. Let's see. The first one was
19 probably -- I was working at Emanuel Hospital.
20 Pulled some muscles in my shoulder. I think it
21 was '82.
22 Q. And you filed a Workers' Comp. claim for that?
23 A. Yes. Um-hum.
24 Q. Did you receive compensation for that?
25 A. I think so.

111

1 Q. Do you recall -- were you off work?
2 A. Yeah. I was off work.
3 Q. Do you recall how long you were off work?

4 A. No, I don't.

5 Q. Did you go back to Emanuel after the period that you

6 were off for the pulled muscle?

7 A. Yes.

8 Q. What was the next Workers' Comp. claim that you

9 filed?

10 A. I think it was Multnomah County Health Department.

11 Q. And what happened there?

12 A. I pulled muscles, I think, in my shoulder.

13 Q. Were you off work for a period of time?

14 A. Um-hum.

15 Q. Do you remember how long?

16 A. No, I really don't. I can't recall.

17 Q. Did you file a claim and receive compensation during

18 that period?

19 A. I don't remember if I received compensation, but I

20 did file a claim.

21 Q. Do you remember what year that was?

22 A. Probably in '91 or something. I don't remember. I

23 can't remember.

24 Q. Did you go back to work at Multnomah County

25 after this period?

112

1 A. I don't think so. I can't really remember, though.

2 Q. Okay. What was the next Worker's Comp. claim that

3 you filed?

4 A. I can't remember the next one. I can't remember the

5 next one that I had.

6 Q. Do you remember who you were working for?

7 A. No. I know I had another one, but I just can't
8 think who it was.
9 Q. Do you remember what year it was in?
10 A. No. Sorry.
11 Q. Do you know what injury it was for?
12 A. My foot. I remember now. Sorry. Yeah, it was my
13 foot. And I was with Good Sam.
14 Q. Who?
15 A. Good Samaritan.
16 Q. Did you file a claim, then?
17 A. Yes.
18 Q. Do you remember what year that was?
19 A. That was a recent one. That was in '96, I think.
20 Q. Did you receive compensation for that?
21 A. Yes.
22 Q. How long were you off work?
23 A. Not very long. About three or four days, and I went
24 back to work.
25 Q. Have you filed any other Workers' Comp. claims that

113

1 I have not mentioned?
2 A. Not that I can remember or recall.
3 Q. From the late 1970s to the present date, have you
4 received unemployment compensation?
5 A. Have I?
6 Q. Yes.
7 A. To now you mean?
8 Q. Yes. Have you ever received unemployment?
9 A. Unemployment?

10 Q. Yes.
11 A. Yes.
12 Q. How many times?
13 A. I think about twice. But, then again, I'm not
14 really sure. I can't really recall.
15 Q. From 1978 to the present what is the longest period
16 of time that you have been off work?
17 A. From when to when? I'm sorry.
18 Q. From about 1978 to the present time, what is the
19 longest period of time you have been off work?
20 MR. GAYLORD: Is there a significance to that
21 start date? Can I ask that?
22 MR. RANGLES: I think that was the date she
23 gave when she first started with her employment
24 history.
25 THE WITNESS: That is what I thought you meant.

114

1 So, in other words, that is --
2 MR. RANGLES: That was my recollection.
3 MR. GAYLORD: So your question is: Since she
4 first starting working?
5 MR. RANGLES: Exactly.
6 Q. BY MR. RANGLES: From the time you can remember
7 starting to work to the present, what is the longest
8 period of time that you have been off?
9 A. I don't know.
10 Q. Would it be more or less than a year?
11 A. Maybe a year. I'm not really sure on that.
12 Q. Have you had a number of periods of time during that

13 period where you have not worked for several months?
14 MR. GAYLORD: Object to the form of the
15 question.
16 THE WITNESS: Number of periods of time? Say
17 it again.
18 Q. BY MR. RANGLES: Have there been -- you said there
19 was a period of some amount, you just described --
20 has there been more than one occasion where you have
21 been off work for a number of months --
22 MR. GAYLORD: Object to the form of the
23 question.
24 Q. BY MR. RANGLES: -- from the period of time we've
25 been discussing up to the present?

115

1 A. Probably, but I don't know how long.
2 Q. For any of these Workers' Comp. claims, were you
3 ever deposed by an attorney?
4 A. What do you mean? I don't know what that means.
5 Q. Like you and me today with a court reporter and a
6 lawyer asking you questions and you providing
7 answers.
8 A. Yeah, I think so.
9 Q. For one or more of them?
10 A. I think for one, I believe.
11 Q. Which one?
12 A. I can't remember. I think it was for Emanuel. When
13 I was injured, for Emanuel. I'm not really sure
14 now, so --
15 Q. Other than these Workers' Comp. claims, have you

16 been involved -- and excluding the present case --
17 have you been involved in other lawsuits?
18 A. For auto accidents. I don't know if you'd call them
19 lawsuits, but I don't know what they are called.
20 Q. Were cases filed in court where you sought recovery
21 of damages against someone else?
22 A. Um-hum.
23 Q. "Yes"?
24 A. Yes. Sorry.
25 Q. How many?

116

1 A. I think about three, maybe. Yeah, about three.
2 Q. Have you filed any other lawsuits besides for the
3 auto accidents?
4 A. Not that I can remember.
5 (Mr. Randles and Mr. Fraser conferring.)
6 Q. BY MR. RANGLES: Did you ever file a suit against
7 the Multnomah Kennel Club?
8 A. The what?
9 Q. The Multnomah Kennel Club.
10 MR. GAYLORD: What was the start of the
11 question? I just didn't hear it.
12 MR. RANGLES: Did you ever file a suit
13 against --
14 THE WITNESS: I don't remember. I don't
15 remember if I had.
16 Q. BY MR. RANGLES: For a fall at the Multnomah Kennel
17 Club?
18 A. I cannot remember if I have.

19 Q. Have you ever had your deposition taken, again by a
20 lawyer asking you questions with a court reporter
21 present, for any of the lawsuits that you have been
22 involved in?
23 A. I don't remember that.
24 Q. You don't remember if you have?
25 A. Yeah, I don't remember if I have.

117

1 Q. Do you remember slipping and falling at the
2 Multnomah dog tract at any point in time?
3 A. No, I do not remember that.
4 Q. Did you miss periods of time either from work or
5 between jobs -- let me rephrase that.
6 Were there periods of time that you did not
7 work because of injuries you had received?
8 A. That I missed work for?
9 Q. That you received while not on the job.
10 A. Ask the question again, please.
11 Q. Good plan.
12 Were there periods of time in which you did not
13 work, other than the ones that we've already talked
14 about for the Workers' Comp. claims, because of
15 injuries that you had received?
16 A. Yes.
17 Q. What were those injuries?
18 A. It was an auto accident. I'm trying to think of
19 it. I can't think of the dates. But it's for one
20 of the auto accidents that I was in.
21 Q. And how long were you unable to work because of

22 those injuries?

23 A. I can't remember that either.

24 Q. Did you file a lawsuit related to that auto
25 accident?

118

1 A. Yes.

2 Q. Who was the defendant in the case?

3 A. I don't remember. I'm sorry. It's probably on
4 record somewhere, but I just don't remember.

5 Q. Did that case go to trial?

6 A. I don't remember if it did. I can't remember.

7 Q. Do you know whether the case was settled?

8 A. I don't remember.

9 Q. Did you ever receive payment from the other person's
10 insurance company?

11 A. Yeah. I think, yes.

12 Q. Your mother yesterday mentioned one occasion in
13 which Mr. Williams was arrested.

14 Are you aware of any other occasions where he
15 was arrested?

16 MR. GAYLORD: Object to the form of the
17 question. She did not mention a time when her
18 husband was arrested, or at least she wasn't sure
19 that was the case.

20 Q. BY MR. RANGLES: Are you aware of any occasions that
21 he was arrested?

22 A. No.

23 MR. RANGLES: I think Counsel's
24 characterization was probably better than mine was.

1 Q. BY MR. RANGLES: Was Mr. Williams ever involved in
2 any lawsuits?

3 A. Not that I know of.

4 Q. Did Mr. Williams ever file for bankruptcy?

5 A. I have no idea.

6 Q. Did Mr. Williams ever file any claims for Workers'
7 Compensation?

8 A. I have no idea about that.

9 Q. When was the first time the idea of filing this
10 lawsuit came up?

11 MR. GAYLORD: Just a second. You should not
12 answer with respect to any discussions with lawyers
13 or any idea that arose in the course of discussions
14 with lawyers.

15 THE WITNESS: Can you repeat the question?

16 MR. RANGLES: Why don't you read the question
17 back.

18 (The court reporter read back as requested.)

19 THE WITNESS: I can't remember that.

20 Q. BY MR. RANGLES: What is your first recollection of
21 having a discussion about filing this lawsuit,
22 excluding any conversations you might have had with
23 counsel?

24 A. When?

25 Q. (Nods head.)

1 A. My dad talked about it after he got cancer.

2 Q. What did he say?

3 A. He was very disappointed in the tobacco company. He

4 had faith in them all along. And then all of a

5 sudden, bam, they said he got cancer. He was mad.

6 And so there it is.

7 Q. Was else did he say?

8 A. That's it.

9 Q. What did you say?

10 A. I agreed with him.

11 Q. Was he the person who first suggested filing a

12 lawsuit to you?

13 A. Yes.

14 Q. What did he say?

15 MR. GAYLORD: Anything else other than what

16 she's already just told you?

17 MR. RANGLES: Yes.

18 Q. BY MR. RANGLES: What did he say about filing a

19 lawsuit?

20 A. He just said he is going to sue them. He didn't

21 have faith in them anymore.

22 Q. Did he take any steps to file a lawsuit himself?

23 MR. GAYLORD: Once again, I object.

24 If the question calls for you to talk about

25 anything he had to do with a lawyer -- and I don't

1 know what other steps there could possibly be.

2 If there is something he did that wasn't a
3 matter of contacting a lawyer or dealing with
4 lawyers, then I suppose you can answer.
5 THE WITNESS: I don't know the answer to that.
6 Q. BY MR. RANGLES: Well, did he ask any friends for
7 the names of lawyers?
8 A. No.
9 Q. Did he ask you if you knew of any good lawyers?
10 A. No.
11 Q. How did you find your lawyers?
12 MR. GAYLORD: I instruct you not to answer if
13 the answer depends on anything any lawyer told you.
14 THE WITNESS: It's in the Yellow Pages.
15 Q. BY MR. RANGLES: You looked in the Yellow Pages and
16 decided to call someone out of the Yellow Pages?
17 A. It's right there. It's what it's for.
18 Q. When did you first look in the Yellow Pages for the
19 name of a lawyer?
20 A. When did I?
21 Q. Yes.
22 A. I didn't say I looked in the Yellow Pages at all.
23 Q. Who did look in the Yellow Pages and found a lawyer
24 there?
25 A. My dad looked in the Yellow Pages.

122

1 Q. When did he do that?
2 A. I don't know the date.
3 Q. What do you hope to accomplish with this lawsuit?
4 A. What do I hope to accomplish?

5 Q. (Nods head.)
6 A. I wish that I could bring my dad back, but, of
7 course, we can't accomplish that. Only God can do
8 that. We know that, right? I don't want anybody
9 else hurt, anybody to die from this. It's a
10 terrible thing. It's a terrible thing. It's
11 killing people. And --
12 Q. Would you like --
13 Sorry I didn't mean to interrupt you.
14 A. I just feel if we could ban it, stop it, people
15 won't die anymore from this.
16 Q. So you would like to see cigarettes banned from
17 sale?
18 A. Absolutely.
19 Q. The papers you filed in connection with your being
20 named personal representative of your father's
21 estate list damages from a pending wrongful death
22 claim as an asset to the estate.
23 Is that referring to any damages that might be
24 awarded in this case?
25 MR. GAYLORD: If your answer would require you

123

1 to rely on what advice you have been given from
2 lawyers, don't answer.
3 THE WITNESS: I can't answer. I don't know the
4 answer.
5 MR. GAYLORD: If you really want to know the
6 answer, you might ask me. I'm not going to take an
7 oath. I'll tell you the answer to that question.

8 MR. RANGLES: That's what that's referring to?
9 MR. GAYLORD: That's what that's referring to.
10 MR. RANGLES: Thank you.
11 Q. BY MR. RANGLES: Is it true that members of the
12 Jehovah's Witness religion do not proclaim an
13 allegiance to any government?
14 A. That's true. Our belief is in Jehovah, the god that
15 created the universe. We won't salute the flag.
16 Q. You don't pledge allegiance to the flag; is that
17 correct?
18 A. No, we do not.
19 Q. Members of the Jehovah's Witness church will not
20 serve in the U.S. Military?
21 A. That is correct.
22 Q. Do they believe in the United States legal system?
23 A. The legal system?
24 Q. Yes.
25 A. Sure, we do. I mean, you know, I don't -- I'm sure

124

1 you guys, you know, do your jobs, you know.
2 Q. Does the church approve of the filing of lawsuits?
3 MR. GAYLORD: Object to the form of the
4 question.
5 THE WITNESS: It's a personal decision.
6 Q. BY MR. RANGLES: But does the church approve or
7 disapprove of it or does it have no position on it?
8 A. No position on it. Like I said, it's a personal
9 decision for each individual.
10 MR. RANGLES: Let's go off the record

11 (A discussion was held off the record.)
12 (Recess.)
13 MR. RANGLES: Just a little bit more.
14 Q. BY MR. RANGLES: Other than the litigation that
15 we've discussed and the present case, the Workers'
16 Comp. claims and the auto accident cases, can you
17 think of any other lawsuits that you have been
18 involved in?
19 A. No, I really can't. I might have, of course. I
20 just can't think of it. I'm sorry. It's on
21 record. You guys can get it. I'm sorry. I can't
22 think or remember, anyway.
23 Q. Because there are more, or you think there are more,
24 or you just can't remember?
25 A. I don't know if there are.

125

1 Q. Did Mr. Williams ever contact a lawyer regarding
2 filing this case when he was alive?
3 A. Did he?
4 Q. Did he.
5 A. Yes.
6 Q. When did he first contact a lawyer?
7 MR. GAYLORD: I'll instruct you not to answer.
8 MR. RANGLES: Just so we're clear, I'm not
9 asking what was said, I'm just asking for when.
10 MR. GAYLORD: Just so we're clear, I don't
11 believe you can elicit an answer to that question in
12 the context of a specific case without the answer
13 implying the contents of the content.

14 You know, if the questions was: Did Person A
15 ever talk to a lawyer, there is no privilege
16 regarding the answer to that question. But if the
17 question is: Did Person A ever contact a lawyer
18 about Subject B, there can't be any answer given
19 that doesn't disclose the subject of the
20 discussion.

21 MR. RANGLES: Well, there is no doubt a lawsuit
22 was filed. I'm not asking for what was said. I'm
23 just asking when there was that conversation.
24 Actually, "when" is not privilege.

25 MR. GAYLORD: What I'm saying is that no answer

126

1 to that question can be given without implying the
2 contents of a discussion between a lawyer and a
3 client.

4 MR. RANGLES: Well, if you instruct your
5 witness, you instruct your witness. I differ from
6 you on that. And I believe I'm entitled to that
7 answer.

8 Q. BY MR. RANGLES: Did Mr. Williams -- when did
9 Mr. Williams first start discussing the process of
10 looking for a lawyer?

11 MR. GAYLORD: I think that's been asked and
12 answered.

13 I'll let you go ahead and answer, but I think
14 that's already been discussed.

15 THE WITNESS: After he was told he had cancer.
16 Because, like I said, he had confidence and faith in

17 the tobacco company. You guys -- not you -- you are
18 not responsible. The tobacco companies let him down
19 when they said he had cancer due to cigarette
20 smoking.

21 Q. BY MR. RANGLES: That really wasn't my question.

22 My question was: After his diagnosis but
23 before his death, can you be any more precise about
24 when he first started looking for a lawyer?

25 A. Again, after the doctors told him he had cancer due

127

1 to the tobacco smoke.

2 (Mr. Randles, Mr. Fraser and
3 Mr. Dumas conferring.)

4 MR. RANGLES: Those are all the questions I
5 have at this moment.

6 I believe Mr. Dumas wants to put something on
7 the record.

8 MR. DUMAS: Bill, we reserve the right to
9 continue this deposition pending production of
10 documents previously requested that have not yet
11 been provided.

12 MR. GAYLORD: I have no comment on that. I am
13 not acquiescing to it, but I hear what you're
14 saying.

15 MR. DUMAS: We're done.

16 (A discussion was held off the record.)

17 (Deposition concluded at 2:10 p.m.)

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128

1 C E R T I F I C A T E
2 I, Pamella M. Iman, a Court Reporter and Notary
3 Public, do hereby certify that JOANN WILLIAMS-BRANCH
4 personally appeared before me at the time and place
5 mentioned in the caption herein; that the witness
6 was by me first duly sworn on oath and examined upon
7 oral interrogatories propounded by counsel; that
8 said examination, together with the testimony of
9 said witness, was taken down by me in stenotype and
10 thereafter reduced to a computer-aided transcript;
11 and that the foregoing transcript of the
12 proceedings, pages 1 to 128, both inclusive,
13 constitutes a full, true, and accurate record of
14 said examination of and testimony given by said
15 witness, and of all other proceedings had during the
16 taking of said deposition, and of the whole thereof,
17 to the best of my ability.

18 IN WITNESS WHEREOF, I have hereunto set my hand
19 and seal this 22nd day of April, 1998.

20
21
22

23 Pamella M. Iman

24 My commission expires:

25 March 3, 2002